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Bequest of  
M. Halsey Thomas







BIOGRAPHICAL SKETCHES

DISTINGUISHED MEN OF COLUMBIA COUNTY,

INCLUDING AN ACCOUNT OF THE

MOST IMPORTANT OFFICES THEY HAVE FILLED,

IN THE

STATE AND GENERAL GOVERNMENTS,

AND IN THE

ARMY AND NAVY.

---

BY WILLIAM RAYMOND,

Of Chatham, Columbia County.

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ALBANY.

WEED, PARSONS AND COMPANY.

1851.

F127

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Entered according to Act of Congress, in the office of the Clerk of the  
Northern District of the State of New-York,

By WILLIAM RAYMOND,

of Chatham, Columbia county, the fourteenth day of April, one thousand  
eight hundred and fifty-one.

17-1

✚ COLUMBIA COUNTY has produced more distinguished men, it is believed, than any other county of equal size and population in this State, or in any other State in the Union. Her Lawyers and Statesmen have filled the most important offices in our State and General Governments; while among her Military and Naval Heroes she numbers the illustrious Major-General WORTH of the Army, and the much-lamented ALLEN of the Navy.

## P R E F A C E.

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It will be perceived that many of the subjects of these sketches are national in their character, consequently this work will not only be interesting to the citizens of Columbia county and the State of New-York, but to those of every state in the Union. Her distinguished sons have filled the most important offices in the state and general governments, and their acts and labors constitute an important portion of the history not only of the State of New-York, but of the nation.

This county is greatly distinguished for the number and exalted talents of her lawyers and statesmen ; and she is equally so for her military and naval heroes. The names of WORTH and ALLEN are known throughout the world.

This county has produced one President of the United States, one Vice-President, three Governors of States and Territories, three Foreign Ministers, one Secretary of State of the United States, one Secretary of the Department of War, one United States Attorney-General, one Judge of the United States District Court, two or three Supreme Court Judges, one Circuit Judge, three Attorney-Generals of the State of New-York, and two United States Senators ; besides many distinguished Members of Congress, and other officers, both of the State and General Governments. Several of the offices we have named

were filled in the person of Martin Van Buren. If any other county has done as much, it has not come to our knowledge.

Many of the distinguished individuals whose names we have mentioned, are still living and actively engaged in the business of their professions. Some of the most eminent lawyers in the city of New-York and in other sections of the state, were born in Columbia county. Her lawyers have rendered the state important services in the revision of our laws. The services rendered by John C. Spencer and Benjamin F. Butler, are well known to the public.

We have given dates and facts in the lives of our subjects, as the nature of this work does not permit of any extended notice of the public measures originated or sustained by the persons whose names are commemorated; but we have named most of the important offices that have been filled by our distinguished citizens. Our information has been derived from reliable sources, and will be found to be correct.

There are several more distinguished individuals born in this county, that might be added to the list which we have given in our contents. Amongst this number are several members of the Columbia bar, and several others of the different professions; but we are prevented from the limits we have given to our work. All of the distinguished individuals that we have named were born in Columbia county, with the exception of two or three, and they acted and distinguished themselves in this county.

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## ELISHA WILLIAMS.

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HONORABLE ELISHA WILLIAMS, of Hudson, New-York, son of Colonel Ebenezer Williams, was born August 29, 1773, and died in the city of New-York, at the residence of Seth Grosvenor, June 29, 1833. After the death of his father, Captain Seth Grosvenor was appointed his guardian, who superintended his education. He was a law student with Judge Reeves of Litchfield, and the late Chief Justice Spencer, at Hudson. He was admitted to the bar in June, 1793, and commenced the practice of the law in the village of Spencertown the same year. His early education was rather limited, nor was he in after life remarkable for laborious study, as he always depended, in a great measure, on his own resources. After he commenced professional business in Spencertown, he very soon attracted attention, and was engaged on the trial of important causes, and in opposition to the most distinguished lawyers at the Columbia bar, at that period. There were many obstacles in his way when he commenced professional business, and he was poor; but I would here remark that he left a fortune of from two to three hundred thousand dollars at the time of his decease. In 1795, he married the second daughter of his guardian, Miss Lucia Grosvenor. He had five children by his wife; the first a daughter, who died in infancy; Gerusha Paten, who married James H. Teacle from the state of Virginia; they are both dead, leaving two children, a boy and a girl. The first is now married and settled in Utica, New-York, and bears the name of his grandfather, Elisha Williams Teacle; the girl is also married, and resides in the city of New-York. Abby Grosvenor, who resides in that city, is unmarried. Grosvenor Elisha, who graduated at Hamilton College with credit, but who died in 1819, at the age of nineteen. An unfortunate weakly boy, who died in 1835. The wife of Mr. Williams died December 24, 1838.

Mr. Williams removed from Spencertown to Hudson, in 1800. He possessed a mind of superior mould; and he com-

bined in his character a rare assemblage of great and splendid qualities; he was a man of rapid and quick perceptions, and was remarkable for his imitative, imaginative and descriptive power, for his brilliant wit, and his surpassing eloquence. He was exceedingly interesting in conversation, warm hearted and ardent in his attachments; and he was liberal, generous and charitable. He was as greatly distinguished for his fine personal appearance, as he was for his superior intellectual powers; he was above medium size and height, and perfectly erect and corpulent. His countenance was indescribably animated and expressive, and his general aspect denoted great superiority; a stranger would be forcibly struck with his majestic and dignified appearance, and without hearing him speak, would be conscious that he was in the presence of an extraordinary man. He was indeed the most noble, perfect, and God-like form I ever beheld; it seems as if the Creator, in the formation of his body and mind, designed to make a magnificent display of his superior skill and workmanship.

Mr. Williams had a very extensive practice; it was not confined to Columbia county; nor the State, he was frequently employed in the trial of important causes in neighboring States. He commenced the practice of law at an early age, and rose rapidly to eminence in his profession; and as a jury lawyer, it is believed he has never had a superior in this or any other country.

In the examination and cross-examination of witnesses, he had no equal, especially in the cross-examination of unwilling witnesses; he could and did elicit the truth from this class of witnesses in spite of all their artifices and evasions; he was a terror to such witnesses, and they greatly dreaded to be dealt with by him. His intuitive penetration enabled him to discover at a glance of his mind if opposing witnesses had been trained and disciplined; and he was certain to expose them to public view, if they attempted to conceal the truth or evade him, and under his hand, they would at once tell the truth to avoid public detection.

He possessed a deep, varied and profound knowledge of human nature, which enabled him to exert an unbounded influence over a jury; and he always studied the character of the juries whom he addressed, and took advantage, if any was to be had, of their political and religious opinions, their passions and their prejudices. In his addresses to a jury, he was eloquent, ingenious, and impressive. The great versatility of his talents, and his inimitable wit and humor, enabled him to give great life and variety to his arguments; he seemed to possess the power of exciting and controlling all the passions of the human heart at will. With an imagination as brilliant as that of Shakespeare, he seized upon the

strong points of his case, and invested them with a most lively coloring; and his opponents at the bar have often experienced the mighty power of his invectives. He was greatly distinguished for originality of thought and expression, and he never addressed a jury or made a speech on any occasion, without saying something new, beautiful, and original. Whenever it was known at Hudson that he was to try an important cause, crowds were always in attendance, eager to witness the display of his wit, his ingenuity and his eloquence. He attracted equal attention in other sections of the State, every part of which he visited during his professional career. His wonderful powers of mind, his transcendent talents, and his unrivalled eloquence as an advocate, will not be fully known to posterity, because all those that heard him and felt the powers of his mighty intellect, and none but such can form an adequate idea of his merits and superiority over all other men, will soon pass away, and from a description, no person can form a just conception of the character of this extraordinary man. Thousands and tens of thousands have been delighted with his eloquence; and it is to be regretted that so many of his brilliant efforts at the bar were not reported, and must be wholly lost to posterity. It was impossible for any reporter to do him justice; his language might have been given, but his peculiar manner of delivery, his inimitable gesticulation, his melodious voice, his lustrous countenance beaming with intelligence, no language can portray. An eminent lawyer of Massachusetts, once remarked that it was a melancholy reflection to think that such a prodigy of genius must ever die. Although his body has been consigned to the tomb, his memory still lives, fresh in the recollections of thousands, and will be transmitted to future ages.

Mr. Williams, for many years, exerted a controlling political influence in Columbia county, and was the leader of the Federal party in this county for a long period, and dictated who should go to Congress, but would never consent to be a candidate for that office himself, as he was then doing a large and lucrative professional business at Hudson. He appreciated the emoluments of his profession more highly than he did political preferment and honor. It is to be regretted that a man of such transcendent talents, should have devoted his time and attention so exclusively to professional business. Had he abandoned the practice of law, and turned his attention to the study of political science, he would have stood in the front rank of American statesmen. He could have been elected to Congress had he desired it; and at Washington he would at once have attracted the attention of the nation. Such a man as he was would have been an ornament to any legislative body on earth, and he might have ranked with

Adams, Webster, Clay, Calhoun, and other illustrious Americans, for he possessed talents at least equal to any man in the nation. He was frequently elected to the Assembly from this county, and was the Federal leader in the House; and no man in that body has ever attracted more attention; and whenever it was known at Albany that he was to address the House, multitudes of eager listeners were always in attendance.

He was also an active and influential member of the Constitutional Convention of 1821, and he delivered several able speeches in that body during its session. We will here give the commencement of his speech, delivered in that body on the 24th September, on freehold qualifications:

He began by saying "that he had hitherto been silent; but not inattentive, to the various subjects that have been under consideration in this body. I have been delighted with the towering eloquence that has been displayed on every side of the House; I have been instructed by the wisdom and experience of those that have occupied the floor. When I look around me and see who are associated in this important trust, when I beheld our seats filled with men who have sustained the highest offices in the gift of the government, when I perceive that they are occupied by those who have grown grey in the service of their country, a majority of whom have passed the autumn of life, bringing into our councils the rich fruits of experience, I cannot but feel that the people of this State have a right to expect wisdom and prudence, and moderation in the decision of those matters that are here made the subjects of deliberation. From this sacred hall be banished every unhallowed faction, every lawless passion; here rights are consulted, and may impartial justice sanctify the consultation. Who does not feel and appreciate the responsibility of his situation. The eyes of the world are upon us, every quarter of Europe has fixed its attention on independent America, and in the front rank stands the State of New-York; and sir, the character of the State depends, in a great degree on our deliberations.

"The votes we are to give on this occasion, will be placed on never-dying records; it behoves us therefore to transmit to posterity something which may be worthy of future remembrance. If the demon of party is suffered to prevail, in a few short years it may be said of our doings, that they were the result of a party convention; that our proceedings were dictated by the tyrant of party; that under its influence we had effaced the fairest feature in the constitution, and destroyed the proudest pillar in the fabric of our government. Party sir, is the gourd of a day; it flourishes in the night of deception, but withers when the full rays of investigation are brought to beam upon it. A good constitution is the heart of

the body politic, its influence flows through all the veins and arteries, and warms and animates the extremities; it is the sun of our system, around which revolve in harmonious order the executive, judicial, and legislative departments. We are not now emerging from a state of nature; it is not at this late day that the community are about to enter into the social compact; it is not now that we are about to surrender certain portions of our natural rights, for the purpose of forming a mass whose collective weight shall govern and sustain the residue. It is almost half a century since the government of this State has been formed, during all which time we have participated in the choicest blessings that government could confer."

On the thirteenth of October he addressed the Convention on the legislative department; and on the 18th on the formation of Senate districts, and again on the same subject October 26.

The democratic party, who were in a majority in the Convention, were accused by the federalists of organizing the several Senatorial districts, so as to secure the greatest possible number of democratic districts, without having due regard to their proximity and contiguity. This management was termed gerrymandering.

Mr. Williams in his speech, delivered in the Convention on this subject, remarked that he arose for the purpose of stating his objections to the plan proposed by the gentleman from Otsego, Mr. Van Buren, and to say a few words in behalf of the county of Columbia; "she will do her duty," said Mr. Williams, "place her where you will, unless you attach her to Massachusetts; she will be an aid to her friends and a terror to her enemies."

"When gentlemen introduced their proposition for a division into eight districts, and displayed their map in the lobby, they gave a virtual pledge that it should not be afterwards politically modified; and he would add, that the principal cause of the abandonment of the favorite project of thirty-two districts, was the map, but it was to be feared that gentlemen were now to be out-mapped. The question is not so much of population as of territory. What is the fact? In the second district we shall have a narrow territory, extending from within fifteen miles of the city of New-York to within twelve miles of the city of Albany; and in the third district you will have a gerrymander that will curl its tail on the mountains of Jersey, coil along the borders of Pennsylvania, and thrust its head into Bennington. Disguise it as you will, the object will be visible, and the people of this State will understand that it is to exclude federalism from every Senatorial district. It may be just, it may be magnanimous, but gentlemen must do as they please, as they hold the power.

Mr. Williams was a very able and successful civil and criminal lawyer. We will mention a few important cases, in which he was employed when he distinguished himself. One of his greatest efforts at the bar of this county, was made in the celebrated Clark case, or will case, about the year 1820 or 1821, at a circuit court. A man by the name of Clark, eighty years of age, had made a will, disposing of a large amount of real and personal property, in a manner which seemed to indicate great imbecility of mind, and which appeared unreasonable and unjust. A majority of the Clark family were dissatisfied with the provisions of the will, and they attempted to break it, and employed Mr. Williams as their attorney. Martin Van Buren, who was then at the zenith of his legal fame, was employed on the defence. The trial was a protracted one, and it excited great interest at Hudson and throughout the county; particularly the addresses to the jury. The testimony in the case was closed on Saturday, the examination of the witnesses having occupied several days; the court adjourned until the Monday following, in order to give the counsel a fair opportunity of being heard. It was generally known throughout the county that this important cause would be summed up on Monday, which attracted the attention of a crowded audience. The wife and daughters of Mr. Williams, and other ladies of high respectability were present. There was a diversity of opinion among the witnesses who testified in the case, as to the competency of the old man to dispose of his property.

Mr. Van Buren, who first addressed the jury for the defendants, made an eloquent, ingenious and impressive speech, and he was listened to throughout with great delight. His speech occupied about three hours, and it was unquestionably one of the most brilliant efforts of his professional career.

Mr. Williams replied in a speech of about equal length, and it was one of his most masterly efforts. I never heard him when he was more witty, eloquent and sarcastic, than he was on this occasion. When he arose to address the jury, every countenance beamed with expressions of delight, and every eye in the vast assembly was fixed on the speaker throughout the whole of his speech. Some parts of which were very pathetic, other portions extremely ludicrous, sometimes the whole audience was very deeply affected by the descriptions he gave of the injustice done to the Clark family, and at other times the jury and the audience were convulsed with laughter. I have never witnessed a greater versatility of talents than Mr. Williams exhibited on this occasion, and in the opinion of the writer, who was present during this trial, it was seldom, if ever, surpassed. The jury did not agree on their verdict, and a new trial was had.

On the second trial the Honorable Benjamin F. Butler, who was then a law partner of Martin Van Buren, and the Honorable Ambrose Spencer, appeared and tried this cause for the defendants. Mr. Van Buren was then in the United States Senate. Aaron Vanderpool assisted Mr. Williams. The second trial was also a protracted one, having occupied several days; the testimony on the second trial was about the same as that on the first, and about the same number of witnesses were sworn. The audience that were present on the trial, was, if possible, more numerous and respectable than that assembled on the former one; it was composed of both sexes; men of all professions were in attendance, and a number of the reverend clergy were present to hear the addresses to the jury.

Aaron Vanderpool first addressed the jury on the second trial, and was followed by Mr. Williams, on the same side, in a speech which occupied more than three hours; and it fully equalled his former effort, and the effect it produced on the audience was electrical. This has always been considered one of his greatest efforts at the Columbia bar; no man was ever listened to with deeper attention than Mr. Williams was on this occasion; and no person, from a description, can form a correct idea of its effect on the crowded auditory. It was indeed a speech of great power, and such an one as few men are competent to make. He was quite excited on this occasion; its great importance had roused the energies of his mighty mind; he dwelt with great emphasis on the unreasonableness of the will, and said that a man of sound mind would never have made such a disposition of his property; and that the will itself proved conclusively that the maker was superannuated, and incompetent to transact business.

Mr. Clark had willed a powder horn to his grandson, which he thought evinced great mental weakness; and he remarked in his address to the jury, that a man of sound mind would never have attached so much importance to such a valueless article. After availing himself of every argument that could be drawn from the facts in the case, he closed by saying that "our bounds to three score years and ten are set; shall a man then eighty years of age make a will? No, he has outlived God Almighty's statute of limitations."

Mr. Butler first addressed the jury for the defence, and he made a very respectable effort; and he was followed by the Hon. Ambrose Spencer. He appeared at the bar of Columbia county under peculiar and interesting circumstances. It was in this county he studied law, and it was here he first entered upon his professional career, and he had often tried the intellectual strength of Mr. Williams, before his appointment as Supreme Judge. Mr. Spencer, after an absence of some twenty years from this county, had closed his judicial labors,

and appeared as an advocate at the Columbia bar, engaged in a very important cause, and opposed to one of the most eloquent and talented men of the age.

His speech occupied about three hours, and was listened to with the deepest attention during its delivery. He commenced by saying, that the county of Columbia was the theatre of his early life; it was here he first engaged in the business of his profession, and it was here he said in early life, he had formed a large circle of acquaintances and friends; and as he looked around upon the crowded audience, he discovered but few of his early acquaintances, a large majority of whom were now sleeping with the dead. He remarked that he was aware that his appearance as an advocate on this occasion would be awkward, and that he was apprehensive that he should disappoint the expectations of his friends, as his province had been for a long period of years to hold the scales of justice evenly betwixt contending parties.

In reply to Mr. Williams' remarks concerning the powder horn, he said that Washington had willed his walking-staff to his particular friend, yet nobody had ever considered this circumstance in him an evidence of imbecility of mind. Mr. Williams here interrupted Mr. Spencer by saying, "is that law or testimony?" "It is neither law nor testimony," he instantly responded, "but it is history, and very much to my purpose. This," he continued, "was an elegantly wrought powder horn, and that Mr. Clark in his life time had frequently talked over this subject with his grandson, and that he had promised to give him this article. Property," he said, "in itself comparatively valueless, from long possession is rendered valuable to the possessor; and that it had two distinct values, an intrinsic and an associative value. This article to him was valuable on account of its associations; it reminded him of his hunting days and the pleasures of the chase. He loved this grandson, and he bestowed upon him this powder horn as a token of peculiar regard." Mr. Spencer after endeavoring in every possible way to operate on the judgment, the feelings and the passions of the jury, he remarked to them: "Gentlemen, some of you I know personally, and your fathers whose spirits are now in heaven, have stood by me." This, it is believed, was the last professional effort that this distinguished man ever made in this county.

The impression it made on the audience will never be effaced from their memories. This cause probably excited more interest than any other that was ever tried at the Columbia bar.

The second effort to break the will proved unsuccessful, and it remained in force.

Mr. Williams also distinguished himself in the case of the *People vs. Margaret Houghtaling*, who was tried in this coun-



ty in about the year eighteen hundred and seventeen, for the murder of an illegitimate mullatto child, by administering poison. The writer was present during this trial, and will give a brief statement of this case according to the best of his recollection; but nobody can do justice to the speech of Mr. Williams to the jury, when he summed up in her defence. He was assigned the prisoner's counsel by the court, and had no opportunity for previous preparation, which is so important to the successful management of a cause. The prisoner and the mother of the child at the time of the murder, both lived with Dr. John M. Crouse, the celebrated mad dog doctor at Stuyvesant, and were both women of notoriously bad character. It was proved on the trial that the mother of the child had threatened its life, and that she had frequently left her child in Margaret's care, and that she had taken good care of it. It appeared, however, at the time the poison was supposed to have been administered, that the child was in her care, but the mother was at the house at the time, and it was possible that she might have administered the poison herself.

The testimony upon which the District Attorney relied for Margaret's conviction, was wholly circumstantial, and in my judgment, it was far from being conclusive; but it appears that the jury thought differently. Mr. Williams made a powerful appeal to the jury when he summed up in her defence; he appeared very deeply affected himself, and great solemnity pervaded the assembly. His opinion was at the time that Margaret was not guilty of the murder, and that the poison was administered by the mother.

In his address to the jury on this occasion, he commenced by saying that suspicions had been excited of the defendant's guilt, but that the testimony was not sufficient to warrant a jury in rendering a verdict of guilty; he remarked that there was a great responsibility resting upon them; the life of an immortal being was involved in their decision. He then went into a minute examination of all the circumstances attendant upon the case, and contended that it was more likely that the mother had poisoned her own child, than it was that Margaret was guilty of the murder. He said that the color of the child evinced the great depravity of the mother, and that she had frequently cursed the fruits of her own womb, and that she had strong and powerful motives to rid herself of this living evidence of her shame.

The mother, he continued, had frequently left this child in Margaret's care, and that she had administered to its wants when left by its profligate mother. He warned the jury in a most solemn and impressive manner against the danger of convicting upon circumstantial testimony. He remarked that it was deceptive, and that it should not be relied upon,

especially in a case where life is at stake. He then cited several cases where persons had been convicted of murder upon circumstantial testimony, and executed, that were afterwards proved to be innocent. He mentioned other cases where persons had been accused of theft, and the property alleged to have been stolen was found in their possession, that were not guilty. The cup he said was found in the mouth of Benjamin's sack, and still he was innocent; and he concluded this masterly speech by saying, that it was better that ninety-nine guilty persons should go unpunished, than one innocent one should suffer.

The district attorney, in his reply to the arguments of Mr. Williams, remarked, that murders were seldom, if ever, committed in the presence of witnesses, and if we convict at all for murder, we must do so upon circumstantial testimony; and that it was often the safest kind of evidence upon which to rely, and free from many objections that might be urged against positive proof. Men he said might perjure themselves, but circumstances would not lie, and that there might be such a concatenation of circumstances, as to render certain conclusions inevitable, and that such were the circumstances attendant upon this case, and that the jury must come to the conclusion that the prisoner was guilty, and that it was their duty to convict her. It appeared, however, that circumstances in this case did lie. Margaret, in her dying moments, declared that she was innocent; and the mother, on her death bed, acknowledged that she had poisoned her own child. It is believed that this is the only execution that has occurred in this county since the commencement of the present century; and although several persons have been indicted and tried for that crime in this county, and almost every one, if not all, were defended by Mr. Williams, whose success as a criminal lawyer is unparalleled. We have not the least doubt if he had had an opportunity of previous preparation, in Margaret's case, he would have been instrumental in clearing her.

Mr. Williams defended Charles Decker, who was indicted for the murder of a female in this county, by wounds inflicted with a knife. He exhibited great ingenuity on this trial, and succeeded in procuring his acquittal. It appears that the prisoner and the deceased were neighbors. After he had mortally wounded her, he said that he had killed a witch, and was glad of it. The defence which Mr. Williams set up was the insanity of the prisoner, although some at the time were of the opinion that his insanity was feigned, and it was proved on the trial that the prisoner had conversed rationally before and after the murder, which the district attorney contended proved the sanity of the prisoner. We regret that we

are not able to describe more minutely this case, but we will give what we recollect about it, and some few of Mr. Williams' own sentences, when he summed up for the prisoner.

He commenced by remarking that it would not be denied that the death of the deceased was caused by wounds inflicted by the prisoner, but that the defence he should set up was his insanity at the time; and when God, said he, in his providence sees fit to afflict any of his creatures with the bereavement of their reason, he himself will no longer take notice of their actions, and instead of exciting our indignation they are entitled to our pity and compassion. The raving maniac, he said, had lucid intervals, when the sun of reason shines in upon the darkened understanding; and if it was necessary, in order to establish insanity, that the mind must be perpetually darkened, it would be impossible ever to prove insanity, except in the few cases of unremitting madness, where no twilight ray of reason ever gleams athwart the chaos of the brain. He said that the deceased and the prisoner had lived in the constant interchange of neighborly kindnesses, and if she could have spoken in her dying moments she would have said that Charles Decker was the last man from whose malice she had any thing to fear. This was a speech of great power, and ought to have been reported and transmitted to posterity. He was remarkably eloquent throughout his whole speech, on this occasion. We have given what little we recollect about it, but most of this speech will be lost to the world, as will be the case with most of his brilliant efforts at the bar.

He made another splendid effort in the city of New-York, in September, 1820, in the United States Circuit Court, before Judge Brockholdst Livingston, one of the Judges of the Supreme Court of the United States. This was an action for slander, brought by the Reverend Daniel Parker *vs.* Cyrus Swan, Esq. Mr. Williams was Mr. Parker's attorney; George Griffin, of the city of New-York, and the celebrated Roger M. Sherman, of Connecticut, were the defendant's counsel. Mr. Parker belonged to an ecclesiastical body in the state of Connecticut, and in consequence of this slander, his connection with that religious body was dissolved. This was a cause peculiarly calculated for the display of Mr. Williams' deep and varied knowledge of human nature, and his masterly imitative, imaginative and descriptive powers. The trial continued five days. During all this time the court room was thronged with an immense concourse of citizens; the high respectability of the parties, and the great legal fame of the counsel employed, drew out a large audience, composed of the professional and educated classes of society. On the jury was an Irishman of unblemished character, and another jurymen who was an excommu-

nicated member of a church ; this was known to Mr. Williams, but Mr. Sherman was ignorant of these facts. When Mr. Sherman addressed the jury, which he did with great ability, (but he made one mistake, an important fact, on which the plaintiff considerably relied,) he remarked, " was proved only by an Irishman, and was not entitled to credit."

Mr. Williams, when he addressed the jury, took advantage of this unfortunate remark of his opponent. Before he proceeded with his argument, he pronounced a splendid eulogy upon the Irish character ; he praised their honesty, their integrity, their generosity, and their patriotism ; he then drew a picture of the character of a true christian, and showed how unlike this character was the conduct of that religious body, who, for pretended faults had expelled a worthy member. Even if these reports were true, which he denied, the course they had pursued toward his client was irreligious and unchristianlike ; christians, he said, in this life were sanctified only in part, and that it was their duty to bear with and forgive each others faults. The character, he remarked, of one of the most eminent saints of antiquity was stained with crime. David, a man after God's own heart, was guilty of both adultery and murder ; it is impossible from a description, to do justice or to give an adequate idea of the speech of Mr. Williams ; he seemed to control and direct the passions of his audience at his will. At one moment there was scarcely a dry eye in the room ; perhaps the only exceptions were the defendant and his eminent counsel. In a few moments all were giving away to bursts of laughter, uncontrollable, in defiance alike of constables staffs and judicial dignity, and the most strenuous efforts to preserve a gravity suited to the occasion.

His conclusions were so striking, his descriptions so perfect, his objects so ludicrously exposed to view, that gravity was out of the question ; it was Hogarth acting and describing, not drawing his pictures. Again there was a change, other feelings and passions were awakened, and resentment for the wrongs described by the eloquent orator, was expressed in almost every countenance. The whole speech was a splendid example of the power of eloquence ; and such an one as is seldom met with in the history of any country ; and such an one as can never be effaced from the memories of those that heard it. This great effort added much to the fame of Mr. Williams ; it was undoubtedly one of the greatest intellectual efforts ever made, and one of the greatest that the human mind is capable of making. The celebrated Thomas Addis Emmett, the eloquent Irish advocate, who was present during this trial, and who had listened with great delight to Mr. Williams' address to the jury, when he concluded, approached him and shook him very cordially by the hand, and addressed

him as follows: "Mr. Williams, you have done yourself immortal honor; go home and give up your profession; you have nothing to win from a further practice of the law; the effort you have this day made, has never been equalled on this side of the Atlantic."

Some English actors who were in the city at the time, and heard this address to the jury, remarked that there was something peculiar, inimitable, and indescribable in his gesticulation, and that they were delighted with his eloquence. The plaintiff recovered in this suit one thousand dollars damages, with costs.

Mr. Bristed, the English traveller, who heard Mr. Williams in the Constitutional Convention at Albany, in 1821, and also in the Supreme Court that was in session at the same time, remarked, "that on a certain trial, Mr. Van Buren was opposed to him, and said that he was delighted with his eloquence and satirical remarks; sometimes," he said, referring to Mr. Van Buren, "that he would raise the little trembler to colossal size, and at other times he would depress him into such utter insignificance as scarcely to be perceptible to the human eye;" and he concluded by saying that "there was no man at the English bar to be compared with him."

We give the following extract from a letter of Chancellor Kent, one of the most distinguished jurists of New-York, directed to a friend of Mr. Williams, dated,

"No. 7, UNION PLACE, Dec. 12, 1846.

"DEAR SIR—I have no particular anecdotes worth relating, relative to my friend the late Elisha Williams, Esq., of Hudson. He came to the bar about the time I first took a seat on the bench of the Supreme Court, April 1798, and he became, a few years after, a very successful and eminent advocate at the bar, and rose rapidly and brilliantly in business and reputation. While I was Judge, until 1814, he frequently tried cases before me at the circuit, and he was eloquent, ingenious and impressive, and showed especially his sagacity and judgment in his examination of witnesses at the trial, and his addresses to the juries were always forcible, pithy, argumentative and singularly attractive, and heightened by a volubility of his language and melody of his voice, and his commanding eye and dignified and attractive person. He very soon excited my esteem and affection, admiration and friendship, and they continued to grow with his growth, and his success, during the whole course of his distinguished and very celebrated career. I left the Supreme Court Bench and became Chancellor in 1814, and there he appeared as a counsellor, but causes in chancery gave no scope for his eloquence, but left free to operate his skill; judgment showed at times his brilliant display of his imaginative powers. His goodness

of heart, his benevolent feelings, his tenderness, his generosity and liberality were displayed in all his intercourse with me, and I believe with the world. It was impossible to be much in company with him, and not to love and admire him. That was my case eminently, and there was no person at the bar that had more devoted and affectionate friends. While at Hudson, I went up to see him in his last sickness. I was awfully struck with his death-like appearance, and the lost lustre of his countenance. He received me with exceeding respect and tenderness, and my presence drew tears from his eyes.

"I would advise you to recur to the testimonies of the bar when it met to commemorate his death, and to pour forth their feelings of respect. On the 29th of June, 1833, the New-York bar met in the City Hall, and the speeches and resolutions on the occasion were published, and were a glowing tribute to his memory and character. So also the bar assembled at the term of the Supreme Court at Utica, July 1833; and his character was eminently and justly portrayed; they spoke of the wonderful effects of his intellect, and of the power of his surpassing eloquence; the fearlessness and the generosity of his noble nature. These resolves were published in the Utica Observer at the time. I have no leisure at present to enlarge on the interesting theme, and I hope the few hasty reminiscences I have recalled, may answer in some imperfect degree your wishes.

I am dear sir, yours truly,

(Signed,) JAMES KENT."

The following are the resolutions and notices of him by the New-York bar soon after his decease.

"At a meeting of the gentlemen of the bar, held at the City Hall this morning, July 2d, 1833, on account of the recent death of Elisha Williams, Esq., Mr. Chief Justice Jones was appointed chairman, and William Johnson, Esq., secretary.

"Judge Oakly after some feeling remarks on the character of Mr. Williams, offered the following resolutions, which on being seconded by Mr. Griffin, who added a warm and merited eulogium on the talents and virtues of the deceased, were passed unanimously.

"*Resolved*, That in the death of the late Elisha Williams, we feel deeply the loss of a respected and beloved brother, who was alike an honor to the profession and an ornament to society for the kindness and urbanity of his manners, and the sincerity, generosity and benevolence of his heart; for the undeviating honor of his professional and private life, and the rich intellectual treasure, which distinguished him as well by their profession as by the prudence with which they poured forth at the call of professional duty and private friendship.

*"Resolved, That we sincerely sympathize with his afflicted family, in the bereavement which they have suffered; and as a mark thereof, as well as respect for the deceased, we will attend his funeral, and wear the usual badge of mourning for thirty days.*

*"Resolved, That these resolutions, signed by the Chairman and Secretary, be published, and a copy thereof be presented to the family of the deceased.*

*"Signed, SAMUEL JONES, Chairman.*

*"WILLIAM JOHNSON, Secretary.*

*"July 2d, 1833."*

"In submitting the above resolutions which we have given in this authenticated form, Judge Oakley arose and addressed the meeting as follows:

"We are assembled as members of a profession of which Elisha Williams was a distinguished ornament. Our purpose is to pay respect to his memory. It is due to his character as a lawyer and a man. His high professional reputation is known to us all; his kind and generous heart is known to those who knew him intimately. We can all unite in admiring his powerful intellect, his brilliant wit and matchless eloquence—but in those of us who enjoyed his friendship, his death has awakened deeper feelings than those of admiration. I speak of him as I knew him, in few and simple words as a lawyer, whom few excelled, and as a true hearted and liberal minded man, to whom there was no superior. He has died too soon for those who knew and loved him; a well earned fame which his friends will delight to cherish. I submit to you these resolutions, as expressive of the sentiments and feelings in which, I trust, we can all unite."

Mr. George Griffin seconded the resolutions and added the following remarks:

"MR. CHAIRMAN—In seconding these resolutions, it is not my design to enter upon a detailed panegyric of the deceased, *that* will form a noble subject for the biographer. It is my purpose simply to allude to a few of the most prominent features that distinguished him. A stranger would scarcely have been in company with Elisha Williams, without being aware that he stood in the presence of an extraordinary man. To be convinced of this, he need not have witnessed the flashes of his wit, sparkling from its own intrinsic brilliancy, nor his soul-subduing pathos—nor the displays of his deep knowledge of human nature. There belonged to the deceased an eye, a voice, a majesty of person and of mien, that marked him for superiority. With these advantages, it is not surprising that his eloquence should have commanded the universal admiration of his contemporaries. It was peculiar, it was spontaneous—it was variegated—it was overwhelming—

now triumphing over the convinced and subdued understanding—now bearing away in willing captivity the rapt imagination—and now knocking with resistless energy at the doors of the heart.

"I have alluded to his knowledge of human nature. It was indeed more varied and profound than I have ever witnessed in any other advocate. It seemed to have been his by intuition. 'He needed not,' as Dryden said of Shakspeare, 'the spectacle of books to read nature: he looked inward, and found her there.' By a kind of untaught anatomy, he was capable of dissecting our intellectual and moral frame. It was this quality which gave him his transcendent power in the examination and cross-examination of witnesses; enabling him to drag forth the truth in triumph from the inmost recesses of its hiding place. He owed little to early education. Like Shakspeare, whom he resembled in wit, in imagination, in brilliancy, in knowledge of the human heart, in creative powers, he was the architect of himself. Nor was he, even in after life, distinguished for laborious study. His communion was with his own mighty mind. Like Prometheus he borrowed his fire from heaven alone, and without under-rating professional attainments, or the profound and patient research necessary for their acquisition, perhaps it may be said, that in the peculiar case of Mr. Williams, it was well for him, and for the public, that he poised himself so exclusively on his own resources. If by this means he imparted less of the thoughts of others, he imparted more of his own; if he displayed less of the lore of other times, he displayed more of the treasures of his own rich intellect.

"At the outset of his career, he attained distinction, and he remained in the first rank of his profession, until near the age of sixty, when ill health induced him to retire with undiminished powers. I was associated with him in his last professional effort in this Hall; when, like the clear setting sun, he shed upon the horizon that he was about to leave forever, the full and gladdening radiance of his matchless eloquence.

"Nor was his heart inferior to his head. He was the most dutiful of sons, the kindest of husbands, the most affectionate of fathers, the best of neighbors, and the most faithful of friends. He had ever 'an eye for pity, and a hand open to melting charity.' He was the poor man's gratuitous adviser, and liberal benefactor. His charities were more munificent than his means; and the blessings of many a one who was ready to perish, have ascended before him to the throne of God. I close this brief sketch by a cheering allusion to a subject with which earthly honors, and even eloquence itself, captivating as it is, dwindle into comparative unimportance. For many years past, and indeed from early youth, the deceased had been in theory an unwavering believer in the



truths of our holy religion, and when the time of retirement gave him better means for reflection, there are grounds for concluding that these truths made a deep lodgment in his heart. His religious communications with the pastor of the village to which he had retired, were of a very satisfactory nature. In his last journey to this city, he was often employed in secret devotions. During the night preceding his death, he was overheard pouring out his ardent prayers to the Father of Mercies, and there are, we may trust, good reasons for believing that brilliant spirit of his, is now a ministering angel in a better world."

"The following resolutions of the gentlemen of the bar at Utica, at the sitting of the Supreme Court there on the 2d of July, 1833, which were sent me, by John F. Kettle, editor of the Utica Observer, will also show the estimation in which he was held by his professional brethren.

"Daniel Cady, Esqr., was chosen moderator, and Greene C. Brown, secretary. A committee of seven were appointed to draft resolutions, of which John C. Spencer, Esq., was chairman, who reported the following, which were unanimously adopted.

"The committee of the bar attending the July term of the Supreme Court, have received with most profound grief, the intelligence of the death of their honored and beloved associate, Elisha Williams, Esqr. Of the splendid talents, which placed Mr. Williams among the very first of their profession, their testimony can add no new evidence. During a professional career of nearly forty years, every part of our State has had an opportunity of witnessing the wonderful efforts of his intellect, and of feeling the power of his surpassing eloquence. Although distinguished amongst the ablest debaters in our public councils, yet we feel it to be our right and our duty to claim him as one of the most illustrious ornaments of that profession to which his life was devoted, and in which his greatest triumphs were achieved. To us, and to our successors, his example has furnished a lesson of incalculable value. Literally the maker of his own fortune and fame, his path to greatness is every where strewed with relics of difficulties overcome and obstacles subdued.

"But great as were his intellectual efforts, and splendid as was his professional course, he is more strongly endeared to his associates and brethren by ties of a different kind, and which even death cannot sever. The frankness and generosity of his noble nature, which so irresistibly won the confidence and esteem of those who knew him, furnished unerring indications of that excellent and full heart which was constantly overflowing in acts of the purest benevolence, and which made him love his friend more than himself.

"We deeply feel the loss of a brother thus endered to us by all the virtue that can adorn a man—we sympathize more than we can express in the afflictions of his bereaved family; we mourn for our profession thus deprived of one of the brightest pillars of its honor, and of its glory; we grieve for the community that has lost an intrepid advocate, as able as he was ready to vindicate the oppressed, and to spurn the proud man's contumely; and as a full expression of these sentiments,

"*Resolved*, That we wear the usual emblems of mourning for thirty days, and that we respectfully recommend to the members of the profession throughout the State, to adopt the same mode of evincing their regard for the memory of our deceased brother.

"*Resolved*, That a committee of five be appointed by the chairman to consider and report to a meeting of the bar, to be held at the next October term of the Supreme Court, of the expediency of some permanent memorial of our regard for the public and private character of our deceased brother.

"*Resolved*, That a copy of these proceedings be transmitted to the family of Mr. Williams, with the assurance of our sincere condolence with them in the afflicting dispensation which has deprived them of such a father and benefactor.

"*Resolved*, That the officers of this meeting cause these proceedings to be published. The following gentlemen were appointed a committee, pursuant to the third resolution:—Messrs. Benjamin F. Butler, Marcus T. Reynolds, Ambrose L. Jordan, Aaron Vanderpool, and John C. Spencer. In the course of the proceedings, Messrs. Alvah Stewart, Benjamin F. Butler, and John C. Spencer, severally addressed the meeting on the distinguished talents and high professional character of Mr. Williams."

Signed, "DANIEL CADY, *Chairman*.

"GREENE C. BROWN, *Secretary*."

"The following extract from a letter from Mrs. Col. William L. Stone, through J. McKinstry, Esq., of Hudson, gives some additional particulars in relation to Mr. Williams, which are extremely interesting. I am much obliged to her for the notice, and to Mr. McKinstry for forwarding it to me. Col. Stone, while living, was very intimate with Mr. Williams, and he intended to have published many facts in relation to him, in his "Life and Times of Sir William Johnson," but the hand of death arrested him in the midst of his labors, just as he had completed about one half of his work, much to the regret of the friends of science and humanity throughout the country. It is much to be hoped that some distinguished historian will take up the subject where Col. Stone left it, and complete it.

"Mrs. Stone thinks that her late husband published an obituary notice of Mr. Williams, in his Commercial Advertiser, but she cannot immediately refer to it. He published many of his speeches and addresses before political conventions, and other assemblages. They met on his way to New-York, two days before his decease, and felt that they had seen him for the last time. Mr. Williams greeted them with all the warmth and cordiality of a parent.

Mrs. Stone in her letter observes: "You are aware, probably, that Mr. Williams did not appear to advantage on paper. He often has written to Mr. Stone to write, or requesting him to write an article on a specified subject, but never containing anything to interest a third party. They always contained some friendly greeting, and he always avowed he could not write, but that Mr. Stone did it just as he wished it done. And I have heard my husband say, that when in Hudson, and Mr. Williams has wished some article written, he would say, I cannot *write* an article, but I can *tell it off* fast enough. I have often heard Mr. Stone lament most feelingly, that so much genius should pass away, and so little tangible traces be left of its gifted possessor. How many eloquent appeals for the unfortunate have passed away with the breath that uttered them, and cannot be gathered up again. Oh, if my husband only had embodied *his* recollections, what a treasure such a document would be. Mr. Stone used often to report his speeches before the Legislature, which I think would be found in the Hudson paper, as he published this paper before our marriage, and he made arrangements for remaining. I am not acquainted with the paper, but, of course there must be files of it in Hudson. However, Mr. Stone always said it was impossible for any reporter to do him justice, for unless one could have before him his imposing figure, his beautiful countenance, beaming with high intellectual effort, and resplendent often with flashes of wit, which seemed to light up all the faces around him; unless the inimitable grace of his manners, as unconstrained as those of beautiful infancy, together with all the simplicity and earnestness of a true heart, it would be impossible to convey one half of the charm by which he seemed to hold all his audience, and sway all the minds before him, as by one mighty impulse, till they saw with his eyes, heard with his ears, and laid their hearts as offerings at his feet.

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"It is with great satisfaction, sir, that I hear that you have undertaken the work before you. If it is published, I hope I shall have the pleasure of perusing it, and most heartily do I wish it were in my power to furnish you with the slightest item that would be available in such an undertaking. He

certainly was the most perfect specimen of intellectual and manly beauty I ever beheld."

"Very respectfully,

S. P. STONE.

"SARATOGA SPRINGS, *Feb. 10, 1847.*"

"Mr. McKinstry in remarking upon this subject says: 'He could write well, powerfully and ably. He disliked to spare time to do it, but his power of condensation was prodigious.'"

The above extracts were taken from STEPHEN W. WILLIAMS' "Genealogy and History of the Williams Family." Other testimonies might be added, but those already given are deemed to be sufficient. It will be perceived that we are sustained in our opinion as to the merits and superiority of Mr. WILLIAMS as a jury advocate, not only by the most distinguished jurists in this country, but by good judges from the other side of the atlantic.

## WILLIAM W. VAN NESS.

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WILLIAM W. VAN NESS was born at Claverack, in the county of Columbia, in 1776, and died at Charleston, *South Carolina*, on the 27th February, 1823, in the forty-eighth year of his age. He received his early education in his native village, and it was rather limited, not having had the advantages of a collegiate education. He studied law with John Bay, Esq., of Claverack, and he served a part of the term of his clerkship in the city of New-York. He was licensed an attorney at the age of twenty-one years, and practiced in his native town until he was admitted as counsellor, when he removed to the city of Hudson, where he did a large professional business until the year 1807, when he was appointed a Judge of the Supreme Court. He was elected to the Assembly in 1805. The Federalists were in a minority in the House; they numbered at that time less than thirty. At the head of his party his influence was greatly felt in the Legislature and in the State. He was also a conspicuous member of the Constitutional Convention of 1821, and took an active part in the deliberations of that body, and frequently addressed the convention.

After he commenced professional business, he very soon distinguished himself as a lawyer. His intellectual powers reached maturity at an unusually early age. He possessed a kind heart and a noble and generous nature, and was universally respected and beloved. He was naturally persuasive and eloquent, and possessed vigorous and discriminating mental faculties, and his young mind was filled with lofty aspirations. He was ambitious and aspiring, and ardent in his pursuits, and fond of public life. In his attachments he was ardent and sincere, and he possessed a lively imagination and was remarkable for his descriptive powers, which exceeded those of almost any other man I ever knew.

He possessed talents and acquirements fitted to adorn the most exalted stations. At the head of an executive department of the General Government, he would have shone with peculiar brilliancy. He officiated as a Judge of the Supreme Court about fifteen years. At the close of his judicial labors

he opened a law office in the city of New-York, but his health soon declined. He was afflicted with a disease of the dyspeptic kind, and he travelled south for the recovery of his health.

He was the ornament of the bar, and the delight of the Senate. He died in the prime of life, and in the midst of his honors and his usefulness. Reduced by a deceitful and unrelenting disease, he sought the southern shores, with the only remaining hope of relief. Alas, it was in vain; the cold hand of death fixed upon his vitals, and he breathed his last sigh far from the scenes of his triumphs and delights, the endearments of home, and the sympathetic condolence of his weeping friends, in a land of strangers. Yet he did not go down to the grave unhonored and unknown; every mark of high respect, every office of kind and feeling attention which generous and enlightened strangers could bestow, were extended on this melancholy occasion. And he was highly deserving of the admiration and regard they entertained for him; but only those that were intimately acquainted with his character, who knew the magnanimity of his soul, the dignity and purity of his public deportment, and the amiable virtues of his private life, can fully appreciate his worth. It is only those who have listened with admiration at his eloquence, who have been astonished at the vast comprehension of his mind on the bench, or have hung with rapture upon his words in the Senate, can tell the extent and brilliancy of his talents. As an advocate, equally distinguished for the splendor of his genius and strength of judgment, he stood at an early age in the front rank of his profession. Commanding indeed must have been that eloquence, great and comprehensive that intellect, which could insure to a youth a parallel rank with the immortal Hamilton. Respected by the court, admired by the jury, and beloved by all, he was a fine example of eloquence without vanity, power without tyranny, and virtue without weakness. The integrity of his private character, and the purity of his public conduct, were only equalled by the urbanity of his manners and the amiableness of his temper. Called to the bench at an age when but few are fitted for the bar, he gave no less stability to the one than he had imparted celebrity to the other. Imperishable are the monuments of his wisdom in the luminous opinions he pronounced, never to be forgotten; his regard for justice in the decisions which he made, impartial in the administration of the law, the proud were restrained by his sanctions, the humble protected by its care. Discriminating in the elicitation of truth, no sophistry could withstand, no art elude his intuitive penetration. The mysterious windings of corruption stood at once unravelled and exposed in his eagle glance. Just, yet merciful; dignified, but not austere; the exercise of his

judicial functions, increased the admiration and strengthened the confidence of the people; and when he resigned a seat, over which he had thrown such imperishable lustre, he carried with him the love and veneration of the bar, the deep regret of the court, and the affectionate sympathy of his fellow-citizens. Unused to inactive life, he had resumed the practice of the law. Wonderful change! where once he held the sceptre, he stood the suppliant; the presiding divinity of the temple was transformed into an inferior minister at its altars; when nature, as if indignant at the outrage, translated him into another and a better world.

While we mourn over the interesting ties that have been severed by his death, and drop a tear over the ruins of that august tribunal of which he was a member, we can almost rejoice that he has not survived its glory; and that he ceased to live when the splendor of its learning, the majesty of its power, the purity of its justice, and the beautiful harmony of its decisions, were prostrated at the foot of a blind and infuriated persecution.

D. D. Barnard, LL. D., of Albany, after eulogising the talents of Richard Harrison, Brockholst Livingston, Edward Livingston, Aaron Burr, Josiah Ogden Hoffman, Abraham Van Vechten, and others, remarked that William W. Van Ness was the rarest genius of them all. "In 1807," he says, "he took the place of Judge Livingston, and that he was a man of wonderful ability, and that he seemed to know every thing that was necessary for a man and judge to know, and yet it was difficult to tell how he came by his knowledge. Nothing he ever said or did seemed to cost him any effort, yet there was a power and a strength in his intellectual movements which every body felt who witnessed them. It was not a power that awed any body; it was gentle, unpretending, unconscious, but it was resistless; and this high intellectual power was joined to a sweetness of temper and a kindness, along with a native dignity of manner, which cast a nameless grace and charm about him, that made his presence felt as a spell on all who came within its influence. And who can now think of the brilliant and noble hearted Van Ness, as he moved among his brethren of the judiciary and the bar, admired and loved of all, seemingly as pure in spirit and in purpose as he was gigantic in his intellectual proportions, and think how he was finally cut down by a cruel wound, inflicted on his sensitive nature; the victim not of offence, but of appearances; not of wrong even meditated, much less done, but of the disinterested, yet too inconsiderate zeal and service of a friend. Who can think of him, without mingling with the admiration which his character so strongly inspires, a feeling of sadness, of oppression and sickness of the heart, for a fate so severe and undeserved?"

Mr. Van Ness was the first president of the Columbia County Bible Society, and sustained that office for several years. The directors often met at his house for consultation in relation to the interests of the society, which he sustained with all the energy of his character. The anniversaries of that society were cheered and made efficient by his skillful presidency and his bursts of sacred eloquence.

His remains were brought from Charleston and buried in his native soil. The writer recently visited his grave, which is in the church yard at Claverack. A plain and simple stone pointed to the spot where his sacred relics sleep; and as I bent over his dust, my heart was filled with sadness and sorrow at the severe and unmerited fate of one of the greatest men that Columbia ever knew.

The following was taken from the New-York Statesman :

"We are requested by a correspondent and friend of the late Judge Van Ness, to publish the sentence of death pronounced by that eloquent and upright Judge upon Todd, Conckling, Dunning and Hodges, convicted of murder at the Supreme Court in Orange county, in the spring of 1819. Our correspondent observes, that it may be said of Judge Van Ness, as of Hamilton and Ames, 'the best eulogium that can be pronounced, is to give his own words.' He has gone down to the tomb, and the animosities of his political enemies (he had no others) are buried with him in the dust; but his talents and virtues will long be remembered by those who knew him in his most endearing character, the man of feeling and philanthropy. We have not room to insert the whole of the paper before us. After pronouncing the awful sentence, he addressed the prisoners as follows :

"And here my duty as an officer of the court ends; but as a man and a christian, I feel that I have other duties to perform. I wish to sympathize with you. I want to awaken you to a just sense of your situation. I wish to awake the nerve where agony is born. I wish to draw nigh to you in the agony of kindred souls, about to be separated forever. I wish to point you to an hereafter. Is death an eternal sleep? Oh, no: a secret voice within assures us we shall never die. I want to speak to you of life, and judgment, and immortality—I want to speak to you of God's redeeming love. I want to arouse you to a sense of your own lost and ruined state. I want to point you to the cross of Christ, that Christ who suffered an ignominious death for us. I want to speak to you of God and his Providence. I want to direct you to a saving knowledge of Jesus Christ. I want to assure you of his power and willingness to save all who approach him through faith and repentance—"Though your sins be like scarlet,



they shall become white as snow; though they be red like crimson, they shall become as wool."

"Your crimes will be attended with the most dreadful consequences; humanity will weep over the scene. You have brought desolation into all your families. No less than three widows, and how many little ones I know not, will in a single moment mourn their loss. You have cast a stain upon your posterity. Ignominy and shame will attend your helpless children through the whole course of their mortal existence. Can mortal man be in a more awful situation, than that in which you are now placed? Your anger has been cruel indeed.

"My friends, if I can awaken in you one good sentiment, my labor will not be in vain; but if I can go one step farther, if I can make you realise your awful situation, if I can induce you to think of eternity, my mind will be relieved of a heavy burthen. Is it not so? You have but a day to live, the hour of your death is fixed. Is it not then your interest and your duty seriously to reflect, and earnestly to devote the remainder of your time on earth in solemn devotion to your God? It is but a little while. That saviour who has died for you and me, will extend the arms of his merciful kindness; and remember, that when the trump of God shall sound, the graves of the dead will be opened, and when your graves are opened, the grave of Richard Jennings will also be opened, and he will be your accuser before that Judge who cannot be deceived. Let me conjure you for that event, to improve the few remaining days you have to live, in striving to secure an interest in Jesus; there is no other hope; his blood alone can cleanse you. Call to your assistance the pious ministers of our holy religion, pray with them, and let them pray for you, and endeavor to reconcile yourselves to God.

"In the course of your trials, Jack has been a principal witness against three of you; although you have not been convicted on his testimony alone, still you may harbor some resentment against him; but remember you are to die, and if you expect forgiveness hereafter, you must not only extend forgiveness to him, but to all men. Strive to cultivate a forgiving disposition, extend forgiveness to all your fellow creatures, and especially to the unfortunate man who stands by your side.

"Let me entreat you to procure faith. Let no earthly cares divert your attention from a future state. Say not to evil "be thou my good," for there is still hope in your case. Strive earnestly to attain an inheritance eternal and immortal.

"With respect to you, Jack, you are an ignorant black man; you have not been favored with any of the advantages of education. You however possess a more than ordinary strength of mind. Providence has blessed you with a memory

without parallel in all my experience. You have been the means in the hands of Providence, to bring to light this first instance in the State of New-York, where a murder has been committed by an hired assassin. You have been the degraded and wicked instrument, and justice requires that you should be made an example to the community.

"To close. This is a scene which has cast a gloom over a large portion of the community; all are solemnized, and I hope all will profit by the lesson which it affords; although going to law is sometimes necessary and proper, still let all reflect on the consequences attendant on an indulgence of the bitter and malignant feelings excited by long protracted litigations, for unless curbed by the better feelings of our nature, they always eventuate in crime. Let every one reflect that it is one of the first duties we owe to society, to endeavor to detect crime, and unless examples are made, detection is useless.

"This is the first time murder has been committed in this county since the revolution. It is remarkable that murder rarely, nay never escapes detection. God's ways are not as our ways. There is a providence in this thing. Various artifices have been resorted to, in order to conceal this murder, false witnesses have been enlisted, and no stone left unturned; but he who rides in the whirlwind, and directs the storm, has in a wonderful manner brought it to light, and oft times the very means used to conceal the fact, leads to detection.

"I speak not to reproach you with your crimes. I feel for you. I point you to immortality. God is merciful as well as just. By repentance and faith you may gain a seat at his right hand; and if you can obtain a hope in Christ, your few remaining days, so far from being the gloomiest, may yet be the happiest of your lives; and when you mount the gallows, be enabled triumphantly to exclaim, "O death, where is thy sting? O grave, where is thy victory?" May God Almighty have mercy on your souls."

At a meeting of the members of the bar for Columbia county, held at the court-house, in the city of Hudson on Saturday the 22d of March 1823. On motion of Elisha Williams, Esquire, A. L. Jordan, Esquire, Recorder of the city, was called to the chair, and on motion of Joseph D. Monell, Esquire, David Van Schaack, Esquire, was appointed secretary.

The meeting being organized, Aaron Vanderpoel, Esquire, moved the succeeding resolutions, after concluding the following address:

"MR. CHAIRMAN—The occasion upon which we have met is one of mournful and melancholy interest. Young as I am, and surrounded by so many abler and more eloquent eulogists, the remembrance of a faithful friend and patron, cut

down in the full vigor of life, and a wide career of usefulness; the recollection of so much native genius, learning, virtue, patriotism and benevolence, swallowed with him by the grave, while it constrains me to pay a feeble tribute to his memory, awakens emotions in my breast, which naught but the inspiration of the poet is competent to express.

"It is not with giddy heads and merry hearts to celebrate the triumph of a favorite party, or the anniversary of some proud national event, that we have assembled; it is for a more solemn, and less intoxicating purpose. It is to pay a *debt* of respect to a departed friend and professional brother, which his transcendent worth and genius has created, and which the 'grim messenger' has so lately made *payable*.

"Though the occasion be rendered sad by the stroke of death, the brightness of the picture which it summons before the mind's eye mingles much pleasure with our sorrow. To expatiate upon the excellencies of the illustrious dead, is an occupation pleasing to the heart of friendship, due to the worthies whose virtues are portrayed, and profitable to a people like us, whose integrity is their political salvation, and whose character depends much upon the influence of example.

"Our county has to mourn the loss of two of her noblest sons; men to whom not only *she*, but the State and the *nation* might be proud to have given birth. The nation had not ceased to mourn over the disastrous fate of the gallant and immortal ALLEN, before the grief of *his* native county was swelled higher by the sorrowful tidings of another of her worthies occupying his narrow tenement in a distant soil—far from his friends and his home.

"It is not in my power, nor is it my purpose to delineate in all their dazzling splendor the brilliant traits that make up the character of our lamented friend. To paint genius to the life, one must feel all its force, Yet however imperfect the sketch, it cannot be void of interest when it relates to those '*who were born, and who have acted as though they were born for their country and for mankind.*'

"Judge VAN NESS was a native of this county, and born in the year 1776. His early opportunities to embellish his mind with classical learning were quite limited, having never been favored with *collegiate* advantages. At an early age he commenced the study of the law with a respectable counsellor of this county. Part of the term of his legal clerkship he served in the office of the present illustrious Chancellor, who then practised in the city of New-York. At the age of twenty-one, he was licensed as an attorney, and practised in his native town, until after he was admitted to the degree of counsellor, when he moved to the city of Hudson, where he remained in full and lucrative practice until the year 1807;

when under the administration of Governor Lewis he was appointed a Judge of the Supreme Court of this State.

"Though but comparatively a youth, when entrusted with the high and responsible office of Judge, he had already secured to himself an enviable measure of professional fame. His reputation as an advocate, or as is vulgarly called 'a jury lawyer,' was at that time eminent beyond all parallel in the State. The various rencounters between him and a professional brother [Elisha Williams] must, according to the accounts of those who witnessed them, have afforded some of the most interesting exhibitions of forensic talent. Those who know *both men* must feel assured, that upon such occasions, genius must have burst forth in all her variegated aspects. Here eloquence could give her proudest specimens, and often exhibit her brightest laurels. The *one*, with smooth and mellifluous accents, with chaste and elegant simplicity, winning the hearts and judgments of the jury; the *other* brandishing with terrible effect the many edged sword of argument, vehemence, wit, imagination and satire.

"The then unsettled state of titles in his native county, and his participation in all the most important controversies that were agitated, not only made him familiar with the abstruse law concerning real estate, but soon put in requisition all his powers by bringing him in contact or association with the most brilliant lights of the law that graced his early day. He was soon beloved and admired by Hamilton. That great and immortal man was heard to say, that he ever derived relief and pleasure from association with him in professional avocations. It was in the famous trial of Croswell, that Hamilton, the pride of America, fully perceived and openly acknowledged the strength of his young associate. Here was a patriotic struggle for the liberty of the press. The great and long fluctuating question whether the truth could be given in evidence and form a justification, where imputations affecting character are published with good motives and justifiable ends, was here discussed, and 'tis said the argument of Mr. Van Ness was ingenious and powerful beyond what could have been expected from his early age. You, sir, can bear witness that his native county has always been vocal with the praise of his early professional efforts.

"*As a Judge* and a Jurist he was ever preëminent. With a mind naturally acute and discriminating, he at once seized the *true point* of the cause, and in weighing testimony or the relative merit of the arguments of counsel, he was ever ready and able to determine what was pertinent and controlling, and to separate the *chaff* of sophistry from the *grain* of sound logic. He was not ambitious to appear *in print*, and has not therefore left to us many of his judicial opinions. But the few that do appear are rare specimens of judicial

talent. They are distinguished by a perspicuity of style, an original felicity of illustration, and (whenever the occasion would justify it) a winning pathos that captivates and rivets the attention of the reader. The dry and frigid character that renders legal composition so proverbially appalling, is never felt in reading *his* opinions. There is in his manner of treating a legal subject, a peculiar and captivating something, which, instead of inspiring the reader with *ennui*, rivets him to it with enchantment.

"But it was not at term that his worth was most *conspicuous*. At *Nisi-Prius* his greatness was most resplendent. There, in his charges to the jury, and his melting appeals to the hardened culprit, about to be consigned to the prison or the gallows, might be seen developed the resources of his original and comprehensive mind. I have seen desperate and hard hearted villany melt and tremble under his pathetic appeals. I have read of pathos in books upon rhetoric, but never have I heard it so successfully exemplified as by the subject of this memoir. Not forgetting the feelings of the *man* in the severe duties of the *judge*, he often gave proof unequivocal, that he *felt* as well as *spoke*. In causes where life was at stake, where cruelty was to receive its just retribution, and where the assassin of reputation was to be reproved by the verdict of the jury, I have heard break from him strains of eloquence potent as electricity. I would not derogate from the reputation of the eminent Judges with whom he was associated—but I know that *they* would unitedly contend, that in charging a jury he had no equal, neither in this State nor this country.

"But there was, in his judicial character, another trait that greatly enhanced his official worth: I mean his encouraging liberality and tenderness to young men in their first efforts at the bar. There was a time, when, owing to the captiousness of judges and the *inaccessible loftiness* of the bench, the business of the term and the circuit, was monopolized by a few old and eminent counsellors. Judge Van Ness has done most to break down this aristocracy of old lawyers. With the characteristic urbanity and condescension of the *man*, which detracted not from the dignity, but rather elevated the character of the *judge*, he soon dissipated that *halo* of false glory and *lordliness*, which, while it encircled the bench, had awed the young man into silence.

"His domestic and social virtues were as exemplary, as his judicial and professional talents were resplendent. His conversation, always rich and instructive, with a fertile imagination, chastened and tempered by a sound judgment, with a mind richly stored with general reading, a memory peculiarly retentive and replete with most interesting anecdote, and with colloquial powers most felicitous—he was, take him all in all

the most agreeable and instructive companion I ever knew. As a friend, no one was ever more ardent or sincere. If in his character there was one fault, it was the *acuteness of his feelings*. In causes that were calculated to excite the sensibilities of our nature, his emotions have perhaps sometimes betrayed him from the cold path that it becomes the judge to pursue.

"This, sir, is a faint sketch of the man, whose worth we have met this day to commemorate; may we never forget him nor cease to emulate his worthy example. His bones repose in the bosom of a distant state, but the memory of his virtues will long be *fresh* and *green* in the midst of us. Let the grief of his bereaved relatives be assuaged by the assurance, that the sons of Columbia will fondly cherish the remembrance of his virtues, and that there will ever be found among them many a faithful *Achates*, ready and able to vindicate his fair fame. The proceedings of this day afford an ample pledge, that as we loved and revered him in his lifetime, so in death we will faithfully guard and protect his illustrious memory."

E. Williams, Esquire, on seconding the resolutions, submitted, in substance, the following remarks:

"My heart is full of grief. I have lost, in him, whose death we lament, one of Heaven's greatest gifts to man—an affectionate, disinterested friend. The ligaments, which unite kindred hearts, are nourished with the issues of the vital fountain.

"We all mourn this deep affliction. Our common friend has been summoned to another and a better world. He was indeed the pride, the ornament, the patron of our bar. How often has he animated and admonished those who now hear me, to strive for honorable profession. How has he encouraged the retiring, timid youth; how pruned the luxuriant shoots of genius, careful to detect, and faithful to disclose to each his errors.

"The heart of our brother was a stranger to that jealousy which narrow minds feel at a rival's success. His soul exulted in the rising fame, and increasing prosperity of his professional brethren. The honor of the bar he considered as the *property* of the State—and he who contributed most to swell this common fund, he regarded as the greatest public benefactor.

"Careless of the acquisition of wealth, he has left little of it to his bereaved family. But he has left to them and to posterity, a legacy more valuable than riches, more durable than marble.

"Let us, while deploring this afflictive providence, profit by his bright example. Let us, upon the altar of friendship, as over his URN, and in the presence of his departed spirit, swear, that we will, like him, tenderly respect, and affectionately nourish each brother's fame, and become mutual help-mates in our professional career. Let us remember too, that soon, *very* soon, we may be called to unite our spirits with his—and that character—a CHARACTER, which enobles the dead, and rebukes the living—is all that is valuable that will be left of us on this side of the grave.

"*Resolved*, That we lament the death of the Honorable WILLIAM W. VAN NESS, who as a judge adorned the bench, as an advocate was the pride, not only of his native county but of the state; and as a man, endeared to his friends by his public and private virtues.

"*Resolved*, That the members of the bar of Columbia county wear the usual badge of mourning for thirty days.

"*Resolved*, That the proceedings of this meeting be signed by the Chairman and Secretary, and published in the newspapers printed in this city,

A. L. JORDAN, *Chairman.*"

DAVID VAN SCHAACK, *Secretary.*"

## JOHN P. VAN NESS.

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THE VAN NESS family, viz : JOHN P. VAN NESS, WILLIAM P. VAN NESS, and CORNELIUS P. VAN NESS, is one of the most distinguished and talented families in this country, and are sons of Peter Van Ness, are cousins of the noble hearted and brilliant WILLIAM W. VAN NESS.

JOHN P. VAN NESS was born in the town of Ghent, formerly Claverack, in the county of Columbia, on the place where Mr. Hoffman now resides, in the year 1770, and died at the city of Washington, March, 1846, at the age of seventy-six years. He was educated at Columbia College, in the city of New-York, and studied law in that city, in the office of Brockholdst Livingston. At the age of about twenty-two years he commenced the practice of law in Columbia county, but was soon compelled to abandon it on account of epileptic fits.

In the year 1801, he was elected to Congress from the district composed of the counties of Columbia and Rensselaer. In 1802 he was married to a very interesting, accomplished and wealthy lady of the city of Washington, and as her fortune consisted principally of real estate in that city, he fixed his residence there until his death.

He was appointed by President Jefferson, Brigadier General of the militia of the District of Colombia, and was afterwards promoted by President Madison to the rank of Major General, which office he held for many years. He was for several successive years elected Mayor of the city of Washington, when he declined a reëlection. Through his influence the Bank of the Metropolis in the city of Washington, was established ; he was the first president of that institution, and remained so until the time of his death. He possessed a high order of talents, and was a man of great personal influence. For the last forty years of his life he was extensively known and celebrated for his liberality and hospitality ; many of the churches, and the Temperance Hall in the city of Washington, was erected on grounds given by him for that purpose. During his long residence in that city, he had formed numerous acquaintances. Few men had more devoted friends, and his death was greatly deplored by the people of the American capital, his friends, and his country.



## WILLIAM P. VAN NESS.

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WILLIAM P. VAN NESS was born about the year 1778, on the same place in Ghent, formerly Claverack, where his brother John P. Van Ness was born.

He was educated at Columbia College, in the city of New-York, and studied law in that city, in the office of Edward Livingston. He commenced the practice of law in the same city about the year 1800, and pursued the business of his profession there, until he was appointed Judge of the United States district court, for the southern district of New-York, by President Madison. He died instantaneously, in the city of New-York, it is believed of apoplexy, when apparently in a state of good health, on the the sixth day of September, 1826.

He was a man of transcendent talents; few men, in or out of this country, possessed equal powers of mind. He was an able, subtle and ingenious legal practitioner, and he did, for many years, a large professional business in the city of New-York, until his appointment as a Judge of the United States District Court; and he was also equally distinguished for the vast comprehensiveness of his mind on the bench, and for his correct judicial opinions. He was an able and energetic political writer, and is the author of the celebrated pamphlet entitled "Aristides," which he wrote when quite a young man.

Mr. Hammond says, in his Political History of New-York, that "William P. Van Ness was one of the most shrewd and sagacious men that the State of New-York has ever produced. In speaking of his pamphlet he says, it was written with great talent, and, as a political writer, his style is unrivalled since the days of Junius."

## CORNELIUS P. VAN NESS.

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CORNELIUS P. VAN NESS, was born on the 26th of January, 1782, on the place where ex-president Van Buren now resides. He was fitted for college and prepared to enter the junior class of Columbia College at the age of fifteen years, as both of his brothers had done at about the same age, but he had resolved not to study a profession, and therefore determined not to pursue a collegiate course; his father consented to his determination. At the age of eighteen years he changed his purpose, and entered as a law student, the office of his brother William P. Van Ness, who was then engaged in the practice of law in the city of New-York. Martin Van Buren was in the same office one year, during his clerkship with his brother. He was admitted to the bar in 1804, and in the spring of 1806 he emigrated to the State of Vermont, and fixed his residence at St. Albans, which is about twenty miles from the Canada frontier, and is the county town of the northwesternmost county in the state; there he commenced the practice of the law. In 1809 he removed to Burlington, the largest and most important town in the State of Vermont, for the purpose of pursuing his profession. He continued to practice law with some intermission, in that town, until 1829. In the autumn of 1809, he was appointed by President Madison, United States District Attorney for the district of Vermont, which office he held until the spring of 1813, when he resigned this office for the more important one of Collector of the Customs for the same district. Both of these last named offices were very important ones during the time he held them, which embraced the period of the restrictive system, and the war with Great Britain. The frontier betwixt Vermont and Canada was the principal resort for smugglers and traders during the war.

In the spring of 1816, he was appointed by President Madison a commissioner under the 5th Article of the Treaty of Ghent, to settle, in conjunction with a commissioner on the part of Great Britain, the Northeastern Boundary line. It is well known that the commissioners disagreed, and gave separate opinions, which were afterwards submitted to the King of the Netherlands for his award, but the dispute was

never settled until the treaty, concluded by Mr. Webster and Lord Ashburton. In the year 1829, he was appointed by President Jackson Minister Plenipotentiary and Envoy Extraordinary to Spain. After an absence of ten years from his native country, he returned to the State of Vermont, where he remained about two years. In 1841, he returned to his native State, and formed his residence in the city of New-York, where it has since remained, although he has been compelled by business to spend much of his time in Washington. In 1844, he was appointed by President Tyler collector of the port of New-York, which office he held one year.

Under the State government he has held the following offices, viz :

In 1818, he was elected a member of the General Assembly of the State for the town of Burlington, and was re-elected the three following years. During the last year of his legislative service (1821,) he was appointed Justice of the Supreme Court of the State of Vermont ; this office he held for two years, when he was elected Governor ; he filled the executive chair three years, having been twice reëlected, when in 1826, he declined a reëlection and returned to the practice of his profession, which he always had done after leaving every office which was incompatible with the proper discharge of his professional duties. He pursued the practice of the law until he was appointed Minister to Spain. I would here mention, that during the first year of his legislative service, two private banks were incorporated, the first in the State, principally through his influence and exertions. One of them was located at Burlington ; he was its first president, and remained so until he was appointed Chief Justice of the State, when he resigned. He was appointed Postmaster at Burlington in 1809, by Gideon Granger, Postmaster General, during President Madison's administration.

Mr. Van Ness possessed talents of a high order, and he occupied for a long time a large space in the public mind. He left his native county in early life in pursuit of fortune and fame, and his exertions have been crowned with success. His life has been very active ; few men have performed as much mental labor. He soon attained to eminence in his profession in the State of Vermont, where he emigrated, and was elevated to the executive chair of that State, after having filled many other important offices. In reviewing the offices he has held in both the state and general government, it will be perceived that his has been a very celebrated and glorious career. The numerous civil and diplomatic stations that he has filled, shows in what high estimation he was held by some of the most distinguished men that have ever administered the executive government of the United States. My heart swells with emotions of county pride in tracing the progress of this distinguished son of Columbia.

## PETER VAN SCHAACK.

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PETER VAN SCHAACK was born at Kinderhook, in March, 1747, and was the youngest of seven children. About two years previous to his entering upon his collegiate course, he was placed under the care and instruction of the Rev. Richard Charlton, on Staten Island. It was under his rigid instruction that Mr. Van Schaack laid the foundation for that thorough acquaintance with the Latin language, which rendered him in subsequent life probably one of the best Latin scholars in the State. In 1762, being then in his sixteenth year of his age, he entered the freshman class in Kings College, in the city of New-York. This was an eventful era in his life; it was here that he formed an interesting and valuable acquaintance with John Jay, Egbert Benson, Richard Harrison, Gouverneur Morris, Robert R. Livingston, and many other eminent men, whose enviable reputation now constitute the richest property of their country; between the four first named individuals and Mr. Van Schaack the greatest intimacy existed, and an uninterrupted friendship through life. Having finished a regular collegiate course at Kings College, he commenced the study of the law in the spring of 1766, in the office of Peter Sylvester, of Albany; he remained with this gentleman about eighteen months, when he went to the city of New-York, and entered the office of William Smith, the historian, and one of the most eminent lawyers of that day. At the January term of the Supreme Court of 1769, he was licensed to practice as an attorney in that court. Shortly after his admission at the bar, he opened an office in Cedar-street, and he soon found a rapidly increasing business entrusted to his charge. In 1773 he was appointed to the important and responsible office of collecting and revising the statute laws of the Colony of New-York; the execution of this work was entrusted to him alone.

In the month of May, 1775, Mr. Van Schaack removed his family to Kinderhook, and he did not afterwards return to the city to reside; ill health and the threatening aspect of public affairs, and the recent shedding of American blood at Lexington, unquestionably had considerable influence on his sensitive mind: but if public considerations did not affect his

removal to the country, the city of New-York soon became such as to render a return to it not very desirable. Mr. Van Schaack had suspended professional business during the struggle for independence; the reputation he had acquired before the revolution had placed him in a high rank in his profession. He was in Europe during the revolution. On his return, his office was soon filled with clients, and he soon attained to great eminence in his profession. He was a learned lawyer, of the old school, and a man of distinguished talents.

He studied law at the same time, or was the companion of John Jay, Egbert Benson, Chancellor Livingston, and other distinguished jurists of the past age. During his residence in England, he attended the Courts of Westminster Hall, and had an opportunity of hearing Lord Mansfield, and other eminent English jurists. He was a sound and logical reasoner, and he had great influence with a court and jury; he was for many years one of the most distinguished members of the Columbia county bar, and no man could be more admired, honored and beloved by the members that composed the bar of this county at that time. Few lawyers investigated a cause more effectually and thoroughly; he not only established his own propositions by legal deductions and authority, but anticipated and obviated every objection of his adversary. His briefs were models of deep research and learning, and frequently of classic elegance. Mr. Van Schaack was employed in many important causes in the county of Columbia, and he greatly excelled in the trial of causes where title to real estate was involved. His opinions and other papers on legal subjects, were always drawn up with logical precision, and in a style of peculiar purity and elegance. These accomplishments, so rare in the legal profession, and so ornamental when possessed in connection with his profound knowledge of the law, procured for him from Columbia College the honorary degree of LL. D. As early as the year 1792, his sight had become so much impaired as to render necessary the employment of an amanuensis. In December, 1791, he wrote to his friend Theodore Sedgwick, that his epistolary pleasures were at an end; yet he did write some letters with his own hand after this period, and a volume would not contain those he wrote by the friendly hand of others, and he was a neat and elegant letter writer. He continued, however, in the active practice of his profession for twenty years afterwards, (by which time he had become almost entirely blind.) He kept a celebrated law school at Kinderhook, and many young men were educated there, that have since distinguished themselves at the bar of this state. Nearly a hundred young men have served all, or a part of their terms of clerkship, under his immediate charge and instruction. His qualifications as a teacher of the science of

law has commanded unusual respect and confidence with gentlemen of the profession.

Among the distinguished jurists who have testified their high estimation of those endowments by placing their sons under his charge for legal instruction, were Theodore Sedgwick, Rufus King, William W. Van Ness, James Kent and Ambrose Spencer. Mr. Van Schaack retained his relish for the Latin language through life; and a dish of Latin before breakfast, was a very common indulgence for some time after he had reached three score and ten. Mr. Van Schaack was extremely partial to the writers of the Augustan age; of these Virgil was his favorite, he could repeat many of the eclogues and a great portion of the *Æneid*, and the minutest parts of the story he committed to memory. So also he would recite large portions of the odes and epistles of Horace, and of the orations of Cicero, in the original. He was a great admirer of the English poets and prose writers, and more especially of Milton, Shakspeare and Pope. Mr. Van Schaack survived his friend Mr. Jay, three years; but his life, after this period, was one of uniform retirement. Until about six weeks previous to his death, his bodily health was uncommonly good for a person of his advanced age, and his mind was equally vigorous. He died at Kinderhook on the 27th day of September, 1832; his name will be transmitted to posterity.

The following obituary notice of Peter Van Schaack was published in the New-York American :

"PETER VAN SCHAACK died at Kinderhook on the 17th of September, upwards of eighty-five years of age, an accurate and learned lawyer of the old school. He was educated in New-York, before the Revolutionary war, and was the fellow student or companion of John Jay, Egbert Benson, Chancellor Livingston, Richard Harrison, and other venerable and excellent civilians of a past age. He attended the courts of Westminster Hall in the early part of his life, and witnessed the display of genius, learning, and eloquence of Lord Mansfield, and other illustrious sages of the English law. He was distinguished for classical scholarship, for purity and elegance of taste, and for profound knowledge of the English Common Law. It may be said of him with perfect truth, that he was the model of a lawyer, a scholar, and a gentleman. For more than twenty years, he was afflicted with total blindness, and lived in retirement at his seat in Kinderhook; imparting legal instruction to a few pupils, and supporting himself under his severe privation in unabated cheerfulness, upon the treasures of a memory enriched with ancient and modern literature, and thoroughly familiar with the beauty and sublimity of Milton and blind Moconides."

## THOMAS P. GROSVENOR.

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*Boyle* HONORABLE THOMAS P. GROSVENOR, of Hudson, was born in 1780. He graduated at Yale College in 1800; that institution was then under the care of the late president ~~Knight~~; he entered as a law student in that year, the office of his brother-in-law, the late Elisha Williams, in the village of Spencertown, Columbia county, and was admitted to practice at the bar in the fall of 1803. He first settled in Kaatskill, Greene county; he afterwards removed to Hudson, where he formed a copartnership with Thomas Bay, in the practice of law. He was elected to the Assembly from this county, and it is believed he was reëlected, and was in the Assembly in 1811. In the fall of 1812, he was elected to Congress from Columbia county, to fill a vacancy, and was twice reëlected. In 1815, he married Mary Jane Hanson, and settled in Baltimore, where he engaged in professional business; she died after six months marriage. He survived her about fifteen months.

Mr. Grosvenor was an accomplished scholar, and he was distinguished for the strength and vigor of his intellectual powers. He was a clear and logical reasoner, and an able, ready and powerful debater, and the House of Representatives has often resounded with the bursts of his eloquence. He was a learned and profound lawyer and an eloquent advocate; and had attained to a high rank in his profession before his removal from Hudson, and he left this city amidst feelings of universal regret; few men had more sincere and devoted friends.

Mr. Grosvenor was not only a distinguished lawyer, but he was an eminent statesman, and Columbia has always been proud of this able and faithful representative. He was a member of congress during a period of great excitement, and he took a conspicuous part in the debates in the House at that time, and distinguished himself on several occasions. He opposed the passage of the bill authorizing the enlistment of minors and apprentices to fill up the army. His speech delivered on that occasion was one of the ablest ever made in the House of Representatives. We regret that we have not been able to obtain a copy of that able speech; had we succeeded in obtaining one, we intended to give extracts from it.

We give the following obituary notice of Mr. Grosvenor, which was published in the late Baltimore Federal Republican. His character was very justly and eloquently portrayed by the writer.

"It is with no ordinary sensibility that we commit to our obituary the name of the Hon. THOMAS P. GROSVENOR. He died at the seat of the Hon. Judge Hanson, in the thirty-eighth year of his age. During the last session of Congress, he was seized with an affection of his chest, which was thought by the physicians to be desperate and malignant. Nevertheless, hopes were entertained, from the excellence of his constitution, that his life might be still spared to his country and his friends. These hopes gained additional confirmation from the protracted character of his malady, until a very short period before his decease. In the midst of all these fallacious hopes, the disease suddenly took a more violent turn, and in a very short period put an end to his existence.

"Very imperfectly indeed would those estimate the qualities of the deceased, who form their judgment from his public services alone. The features of his mind and character were not distinctly defined when seen by the blaze of public admiration. He was only recognized there as the intrepid defender of the people's rights, which he maintained with an ability, firmness and constancy, proportionate to their own importance, and in the danger to be apprehended from their violation. Yet here, amidst these party storms of debate, one feature of his character was plainly discernable; politics with him possessed nothing of its usually grovelling selfishness—his hostility was on a large, manly, noble, comprehensive scale; his genius was seen and felt as a public man, guided by public motives, and governed by a sense of public duty, not as a ruthless, persecuting personal opponent. At the conclusion of a debate, when with an honest fidelity as a public servant, he had discharged his duty, he could take the most violent of his political opponents by the hand and indulge in all the flow of cordial affection. We hope that this example, set by one of the leaders of the Federal party, will be remembered and imitated by both parties. But we repeat the remark, that this trait, beautiful and luminous as it is, was not the distinctive trait of his character. It was this: in the hour when the strong and imperious claims of public service were satisfied, when he was no longer a public man, when he was left to the guidance of his own heart, all these high qualities retired from the gaze. Mild, accessible, communicative, and urbane, he was then only distinguished by superior courtesy, frankness and intellect. We were suddenly surprised by strong and masculine combinations of thought, splendid and original views of public men and of public measures; and these all presented with such ease



and familiarity, with such simplicity of character, so void of ostentation or parade, that we were delighted, entertained, and instructed, without being ourselves sensible of the obligation. He threw off the splendor of his public reputation, and approached you in the guise and character of a friend on equal terms. On this point, we can speak with feeling and with emphasis, and hazard nothing in the assertion, that a stranger who had read the public papers, and had accidentally conversed with the deceased, delighted, astonished, and instructed, as he would be, never would for a moment believe that his sociable, frank and communicative guest, was the orator, who on the floor of congress had so often electrified the House of Representatives. In short, this peculiar change of character, from the high and intrepid to the more amiable, frank, and pleasant qualities, formed the peculiar characteristic of the deceased. His private conversation was, as Burke says, the green on which the eye reposed after it was withdrawn from his splendor. We observed the muscular limbs and proportions of the giant, while he appeared himself to slumber, unconscious of his strength. It is an undoubted fact, that neither the political friends nor the political enemies of Grosvenor, are sensible of the full weight of his character; but death is a melancholy teacher. When these great and distinctive points of character are stated, all the common relationships in life may be inferred. If the darkness of political controversy was only a cloud transiently passing over a sunbeam, if every thing beyond was green, beautiful and luminous, it is surely unnecessary to say, that in the calms of ordinary life, his orb was lovely and serene; it is unnecessary to say that his heart was the repository of all the benevolent and generous affections. Nor should it be forgotten that in his last sickness, he added to these brilliant lights of character his testimony to the truth of the gospel. He gave his testimony to these awful truths, on which our present and eternal felicity is dependent. The language of the reverend gentleman who attended him in those awful moments, was this: *I was delighted with the interview, and gratified to find Mr. Grosvenor perfectly at home upon religious subjects, and so well prepared. He received the sacrament, and died in the faith of his Redeemer.*"

## ROBERT R. LIVINGSTON.

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ROBERT R. LIVINGSTON, of Clermont, Columbia county, was born November 27, 1746, and was educated at Kings College, in the city of New-York; he graduated at that institution in the year 1765. He studied and practiced law in that city with great success; he was an eminent statesman, and belonged to one of the most distinguished and talented families in America. He was a member of the first general Congress of the Colonies, and one of the committee appointed to prepare the Declaration of Independence. In 1780, he was appointed Secretary of Foreign Affairs, and he distinguished himself for his zeal in the Revolutionary cause. He was the first Chancellor of this State, and held that office until 1801, when he became incompetent, in consequence of his age, to hold the office any longer.

He administered the oath of office to GEORGE WASHINGTON, in the city of New-York, when he was first inaugurated President of the United States. That was perhaps one of the most interesting events that has ever occurred in this country; an immense concourse of spectators had assembled to witness this solemn and interesting ceremony. The oath was administered by the Chancellor in a very solemn and dignified manner; and the reverential awe with which the Father of his Country bowed to kiss the sacred volume, made a deep impression on the immense crowd of spectators that had assembled to witness this interesting event.

He was an influential member of the convention that assembled at Poughkeepsie in June, 1780, for the purpose of taking into consideration the adoption of the Federal Constitution. He first addressed the convention in a very able and eloquent speech; he pointed out the great importance of the union to this state, and the defects of the old confederation, and urged with all his powers of mind the importance of the question then to be considered; he said that it was the duty of the members of the convention to divest themselves of prejudice, and deliberate with that candor and moderation which the great importance of the occasion demanded. The constitution was adopted by a small majority. There were fifty-seven members present when the vote was taken, thirty

of whom voted for the ratification of the constitution, and twenty-seven against it. It is questionable whether the Federal constitution would have been adopted by the convention, had it not been for his personal influence.

In 1801, he was appointed Minister to France, by President Jefferson ; he was received with marked attention by Napoleon Bonaparte, who was then first consul ; he seemed to be the favorite foreign minister at the French Court ; and aided by Mr. Monroe, he succeeded in negotiating the treaty for the acquisition of the immense and fertile territory of Louisiana, at a comparatively small expense. The benefits derived from the acquisition of this territory to the Union, is incalculable. It secured forever peaceable and convenient access to the ocean, to the millions of our fellow citizens, settled on the almost limitless plains of the west. This successful mission to the French Court, secured for that able diplomatist imperishable fame. In 1804, he left the French capital, and travelled extensively in Europe. On his return to Paris, Napoleon, who was then emperor, presented him with a splendid gold snuff box, with a miniature likeness of himself, painted on it by the celebrated Isabey. In the year 1805 he returned to the United States ; he was president of the New-York Academy of Fine Arts, of which he was a principal founder. He has done much for the improvement of the breed of sheep in this country, and he was the friend and patron of genius. The aid he rendered the immortal Fulton by his wealth and influence in the discoveries of applying steam power to navigation, will never be forgotten by his countrymen. He was indeed a benefactor of the human race. He died in 1813.

## DANIEL CADY.

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DANIEL CADY was born in the town of Chatham, county of Columbia, April 29, 1773, and is now almost seventy-eight years of age. He learned the shoemaker's trade in early life, and while engaged in that employment he accidentally injured and lost the sight of one of his eyes; this event occurred at the age of eighteen years. He then resolved to study the profession of the law, and he soon entered the office of Judge Whiting, of Canaan, Columbia county, and he applied himself with unusual energy and industry to the study of this science. He remained in the office of Judge Whiting about two years. He afterwards went to Troy, and completed his legal studies with Judge Woodward of that city. The time of his admission to practice at the bar is not precisely known to the writer, but it is believed at about the age of twenty-two years. I would here remark, that he wore a pair of boots of his own manufacture at the time of his examination. He entered upon the practice of his profession in the town of Florida, Montgomery county, where he remained about one year. He then removed to Johnstown, the county seat of Montgomery county, where he soon distinguished himself in his profession, and a large professional business was soon entrusted to his care; and he was, during his residence at Johnstown, frequently consulted on difficult and critical legal questions, by men from every section of the state. But he was not the man to stir up petty suits; to fan the embers of a litigious spirit, and in this manner to embroil the peace of society; but fair minded, just and conscientious in the discharge of his professional duties, he acquired the esteem of the court, the bar and the jury. He so ingratiated himself into the confidence of the community around him, by the integrity of his conduct, as to be proverbially eulogised as the honest lawyer.

Mr. Cady was elected several times to the Assembly; he was there during the stormy session of 1809. He was in the Assembly again in 1813. A resolution purporting to be joint, passed the Senate, that the State should loan to the general government \$500,000. This measure was supported in the Senate with great ability by General Root and Martin

Van Buren, and passed that body. When the bill came to the Assembly, it was successfully opposed by Mr. Cady, Attorney-General Van Vechten and Elisha Williams. Mr. Cady took a conspicuous part in the debate on that occasion. He was elected to Congress from Montgomery county; and he addressed the House several times while he was a member, which he did with ability, and he was always listened to with the deepest attention whenever he addressed the House of Representatives.

This venerable man has devoted a long life to the study and practice of the law, and has attained to a proud eminence in his profession. He is a man of active, industrious and temperate habits; and although nearly seventy-eight years of age, he is now capable of performing a vast amount of mental and bodily labor, and his mental faculties are not in the least perceptible degree impaired; he is now one of the Justices of the Supreme Court, and is a man of exalted worth and strict integrity.

## WILLIAM HOWARD ALLEN.

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LIEUTENANT WILLIAM HOWARD ALLEN, whose enviable reputation is the common property of the nation, was born in the city of Hudson, on the 8th of July, 1790, of respectable parents. He was at a boarding school in London for a year and a half, previous to February, 1798. On returning home, his studies were continued at Hudson, until the fall of 1800; he then sailed for Calcutta. At the end of a year he resumed his studies, and pursued them at the Academy at Hudson, until May, 1805; he was then sent to Doyleston College, Pennsylvania, where he remained until the fall of 1807.

He possessed strong and vigorous intellectual powers, and he mastered the sciences with ease, and laid a solid foundation for future usefulness. He always availed himself of every opportunity that presented for distinguishing himself; and as occasion required, he evinced both skill and courage. He was appointed a midshipman in 1808, and was principally employed in the gun boat service, and on board of the frigates Chesapeake and United States. About the beginning of the year 1811, he obtained the birth of master of a merchant ship, and made a voyage to Archangel. In the summer of 1812, according to Mr. Strong, he received a commission of second lieutenant, and he entered on board of the Argus. Her cruise continued prosperous until she came in conflict with the British sloop-of-war Pelican. Although this vessel was superior to her in burthen, men and metal, yet the battle was long, severe and bloody. Early in the action, Capt. William Henry Allen was mortally wounded and carried below; shortly after, the first Lieutenant William H. Watson was severely wounded, and taken to the ward-room. The command, of the Argus then devolved on Lieutenant William Howard Allen; his conduct was cool, deliberate, and such as received the admiration of the crew, and the approbation and praise of his superior officers. After fighting was useless, the Argus was surrendered to the Pelican, a perfect wreck. This was on the thirteenth of August, 1813. Lieutenant Allen was taken to Ashburton, England, where he was detained eighteen months a prisoner of war; but he was exchanged before the close of the war, and

returned in a cartel to Norfolk; but owing to an extraordinary passage of some ninety days, he did not arrive until after the peace. In 1816, he made a voyage to Dublin, as the master of the brig Henry Clay; he was then engaged in the merchants service. During the two succeeding years, he was attached to the frigate United States or ship Independence.

In the spring of 1819, the United States frigate Congress, sailed on a cruise to the Chinese seas. Mr. Allen was her first lieutenant; his conduct during the cruise was highly meritorious. This being the first American ship of war of her class that had visited the East Indies, the natives were frightened at her terrific appearance; and he often described the impression it made upon their minds, and the deep conviction it left of the strength and prowess of the United States. In May, 1821, he returned in the Congress, and remained attached to her until about the beginning of the year 1822, when he was transferred to the ship Columbus, then lying in Boston. He left the Columbus some time in June, having obtained the command of the United States schooner Alligator. On the third of August, 1822, he sailed from New-York on a cruise against the pirates, and he plucked a wreath of glory, but the shaft of death was in it. He cheerfully engaged in this last perilous service, which would have appalled any ordinary mind. It called him to the West Indies, the charnel house of foreigners, whose seaports in the summer months are the hotbeds of pestilence, disease and death, and whose climate had already consigned to the tomb many valuable lives; among whom were many of his intimate friends and brave companions. This service called him in contact with pirates, a gang of merciless bloodhounds, foes to God and man, who live by plunder and murder, and who had sworn vengeance toward American officers and citizens.

On his arrival at Havanna, he was informed that a gang of pirates, having in possession some merchant vessels, had stationed themselves in the bay of Le Juapo, in the neighborhood of Matanzas; without coming to anchor, he immediately proceeded in search of them. He approached the place, saw the pirate vessels, three in number, well armed and supplied, and manned with a hundred or more of these desperadoes, with the bloody flag waving aloft and nailed to the mast. In possession of these assassins were five merchantmen and several American citizens; this property and these captives the gallant Allen determined to rescue. The Alligator, in consequence of the shoalness of the water, could not approach them; he ordered the boats to be manned with about thirty of his crew, put himself in the van and led the attack and boarded them. The outlaws resisted, but were driven from their flag vessel, of which he took possession.

They fled to the other vessels, he pursued them amidst a shower of musketry ; a musket ball struck him in the head, still he pressed forward, cheering his men, and when about to board them, another pierced his breast ; this was mortal ; still he cheered his gallant little crew as they lifted him on board of the prize schooner, and laid him on the deck he had so dearly won, and he died of his wounds in about three hours after. He called his officers about him, gave directions respecting the prizes, for the merchant vessels had been rescued ; conversed freely and cheerfully ; hoped that his friends and his country would be satisfied that he had fought well. He said he died in peace with the world and looked for his reward in the next. Although his pain, from the nature of his wounds, was excruciating, yet he did not complain, but died like a martyr, without a sigh or a groan, and the spirit of a braver man never entered the unseen world. The body of the martyred Allen was conveyed to Matanzas, in Cuba, where it was interred on the 11th November, 1822, with the honors due to his distinguished merit.

Soon after the reception of this sad intelligence at Hudson, which cast a gloom over the city, the citizens of Hudson assembled at the city hall, and it was a more numerous meeting than had ever been witnessed in that city. This was on the fifth of December, 1822, and on motion of Elisha Williams, the honorable Alexander Coffin was called to the chair ; and on motion of Ambrose L. Jordan, Esq., Dr. Samuel White, was appointed secretary. The Reverend B. F. Stanton opened the meeting with an appropriate and impressive prayer. The Hon. James Strong then pronounced a splendid eulogy on the character of the late gallant Lieut. William Howard Allen.

The common council of the city of Hudson, requested of the navy department to have the remains of Lieut. Allen brought from Matanzas to New-York in a public vessel. This request was promptly acceded to by the Secretary of the Navy, and on the fifteenth of December, 1827, the schooner *Grampus* arrived at New-York, having on board the remains of the lamented hero. On the reception of this intelligence, the common council of the city of Hudson deputed Mr. Reed, former mayor of this city, and Mr. Edmonds, the recorder, to receive and bring them to his native city. On the Wednesday following, they were removed from the Navy Yard at Brooklyn, under the escort of the marine corps of that station, and accompanied by Commodore Chauncey and a numerous body of naval officers. The colors at the Yard, and at New-York, were at half-mast ; and the procession landed at New-York amid the firing of a salute from the *Grampus*, which had been moored in the stream for that purpose. At New-York, the procession was joined by the common council of that city, and an immense concourse of citizens and officers, and moved



across the city to the steamboat, which carried them to Hudson. There a salute was fired by a detachment of artillery, and by the marine corps, and the remains were delivered by Commodore Chauncey to the Hudson deputation. His remains were accompanied to Hudson by the following officers of the Navy: Lieuts. Francis H. Gregory, George N. Hollins, William D. Newman, John R. Coxe, John Swartwout and Alexander M. Mull; sailing master Bloodgood; and midshipmen Lynch, Nichols, Schermerhorn, Lawrence, and Pinckney, and arrived early on Thursday morning. They were welcomed by a national salute, and were escorted to the dwelling of Capt. Alexander Coffin, the patriotic kinsman of the lamented hero, by a detachment of military and a numerous escort of citizens, which moved in the following order:

Hudson City Guards.

Columbia Plaids.

Athens Lafayette Guards.

And the military under the command of Col. William A. Dean, with standards furled and drums muffled.

The Reverend Clergy.

The Corpse,

Borne by Lieuts. Gregory, Hollins, Newman, Coxe, Swartwout and Mull, and Midshipmen Lynch and Nichols.

Mourners, including Messrs. Bloodgood, Schermerhorn, Lawrence and Pinckney of the United States Navy.

Hudson Military Association.

Brigadier General Whiting and his Suite.

The Mayor and Recorder.

Aldermen.

Assistant Aldermen.

Clerk and Marshall of the City.

Clerk and Sheriff of the County.

Committee of Arrangements.

Followed by a larger and more respectable procession of citizens than had, for many years, been witnessed in that city. While the procession moved, the bells of the city were tolled, and minute guns were fired from parade hill. On its arrival at the grave yard, the body was conveyed in front of the line of the military resting on arms reversed, and was committed to the earth, near the grave of Lieut. Allen's mother. The funeral service was read by the Rev. Mr. Stebbins, and a volley fired over the grave by the military. The procession then returned to the United States Hotel, where it was dismissed.

At three o'clock, P. M., the naval officers sat down to a public dinner, given them by the citizens, at which about one hundred of the most respectable citizens were present.

The evening was spent at the hospitable mansion of Col. Livingston. On Friday, the officers paid their respects to the

mayor, and departed amid the roar of cannon, with the heartfelt gratitude of the whole city for their generous attention on this occasion.

The following correspondence passed between the officers of the Navy and the committee :

HUDSON, *December 21, 1827.*

The officers of the Navy assembled on the present melancholy occasion, reciprocating the sentiments expressed by the citizens of Hudson, return their thanks for the unparalleled tribute paid to the memory of their late gallant associate. They at the same time return their acknowledgments for the liberal hospitality which has characterized the whole proceeding ; and in departing, beg leave to say, that whether applied to the individual or professional standing of their departed member, the conduct of the citizens is alike honorable to their feelings and principles as men and patriots. Laboring under emotions too powerful to be conveyed in adequate language, they tender the committee a grateful and affectionate farewell.

HUDSON, *December 21, 1827.*

The committee of the citizens of Hudson, in acknowledging the favor of the officers of the Navy, assembled on this occasion of paying the last honors to the memory of the lamented ALLEN, gladly avail themselves of this opportunity to assure those gentlemen of the high sense entertained by this whole community of the obligation conferred upon them, by the attendance of individuals deservedly distinguished for their public and private worth ; as the committee cannot entertain a doubt that the lives of those officers of the Navy will be as honorable, so they cannot help but hope that their deaths will be as glorious, and their memories as much respected as those of the gallant and unfortunate William Howard Allen.

By order of the committee.

DAVID WEST, *Chairman.*

WILLIAM A. DEAN, *Secretary.*

The Honorable James Strong, in his eulogy on Lieutenant ALLEN, says :

" Thus ended the career of one, whose merits as a citizen, son and officer, have been rarely excelled. He too, whose loss we deplore, was the first victim of his grade to these enemies of the human race ; he was the first commissioned officer that had fallen by these outlaws. And was this signal and distinguished sacrifice necessary to arouse the nation to a sense of its duty ; could nothing but the murder of one of her bravest sons excite the righteous indignation of freemen, and induce them to adopt measures for the protection and

defence of property and life, of liberty and law against the robberies and violence of pirates; and are these devils incarnate, who have renounced their God, and trampled underfoot the blood of the cross, and waged merciless war against their fellow mortals, to be tolerated by any christian nation?

"They should be taught, that justice, religion and law, bear the sway on earth; and if it must be, the American eagle wherever she sports her plumes in the breeze, will teach them to respect the flag of the nation; or if they be too drunk with blood to learn, will pursue and exterminate them, be the hazard what it may.

"Yes, they must be pursued, hunted in their fastness, cloven down, destroyed root and branch; and if the effort of the nation to do this, war come of it, let it come; better perish nobly and at once, than ignobly and by piece-meal; and why delay, shall we wait until the spirits of all our Allens have gone aloft? Who then will be left to rally around our citadel, to protect our commerce and property; who to avenge the death of our wives and helpless infants; and who to defend our domestic sanctuaries and the altars of our God?

"In stature, Mr. Allen was of middle size, bony and muscular, well made, and of strong features; his eyes were keen, and evinced quickness and intelligence; in his demeanor he was modest, yet there was mingled with it an air of command, which, though never assuming, was always imposing. As a commander, he was prompt and efficient; always rigorous, but never severe; his men loved and obeyed him. Fearless himself, he made others so too; he never said to others go, but his language was follow me to the cannon's mouth. And so long as officers like he tread the deck of our navy, the eagle, proud bird, will set upon high, and preside over the deeds and conquests of the brave, for the flag of the nation will wave triumphant.

"As a friend, he was open, sincere and faithful, sparing of censure, and tender of reputation; he spoke cautiously of others, for he well knew that a slanderous tongue is the evidence of a corrupt heart. His general conversation respecting his brother officers, was that of deference and respect. If he ever permitted himself to arraign the conduct of any one of them, it was done in the confidence of friendship, and rather to point out the error of the action, than to injure the reputation of him who committed it. And would that this example was followed by all who are honored with an epaulet in the Navy, and wear the eagle and anchor of the nation. As a brother, none was ever more affectionate, tender, or truer.

"But it is as a son his character breaks in upon us in all its loveliness and splendor; frequently did he spend days and

nights, sometimes weeks, by the bed side of his sick and pious mother; comforting her with the assiduity of his attentions, and consoling and animating her by the tenderness and warmth of his affections. After being exposed to all the varieties of climate and seasons, and escaping the perils and dangers of the seas, full often did he return, and like a ministering angel, to pour the horn of plenty into the lap of penury, to bring home sustenance, comfort and consolation to his anxious and dependent family. It was his family, for he alone provided for its wants; and the fatal ball that pierced him, cut off the right hand that clothed, fed and sustained it. A large portion of his hard earnings, from the time he entered the service, and until his death, was constantly appropriated by him for the support of his parents and unmarried sisters; and for some years past, the portion thus set apart, has been drawn by his mother directly from the navy office, in pursuance of an arrangement which he made with the department for this purpose. How rare is filial affection like this; how deep and warm must that love be; of what fine and delicate moral texture, and pure and holy principle must that heart consist, which can equal the bright example here given of the duty of a child to its parents. The Cornelias and Lucretias of Rome would be proud of such a son. It is in a soul like his that humanity finds a friend, the oppressed a protector, the people a trusty servant, and liberty a champion; for a son who never abused his parents can never betray his country. Treason, filial affection and fidelity, can never dwell together."

The following stanzas were taken from the Northern Whig :

#### STANZAS

ON LIEUTENANT ALLEN, OF THE UNITED STATES NAVY.

##### I.

He died on the wave—the victorious wave,  
That witness'd his brilliant and cong'ring career;  
Begirt by the mighty—begirt by the brave,  
Who dropped o'er his reliques soft sympathy's tear;  
The banner of freedom waved proudly on high,  
When mortality's shroud was laid o'er him,  
And the sun had illumed the meridian sky  
When the darkness of death was before him!  
But he died where he lived, on the ocean's blue wave,  
The *home* of the valiant—the *tomb* of the brave.

##### II.

He saw on the water an ominous sail—  
'Twas the sail of the pirate that breasted the foam;  
He called up his gallant crew—woo'd the fresh gale,  
And his heart danced with joy on his own ocean-home.  
Did he see the red streamer that floated on high,  
O'er the fell pirate vessel, prophetic and dread?  
Did he hear the shrill wind that was borne thro' 'he sky  
Like spirit's sad dirge o'er the unburied dead?  
Aye, he saw the red flag—and heard the shrill gale.  
And he hoisted his glad and victorious sail.

## III.

He hath gone forth to meet the elate buccaneer,  
 And his spirits are light as the foam of the seas;  
 He hath gone on his bright and victorious career,  
 And his vengeance is swift as the wild ocean breeze?  
 Ye craven marauders! fly, fly from his path,  
 Lest he tear into pieces your banner of blood;  
 Away thou dark pirate ship—tempt not his wrath,  
 Lest he sink thy base hulk in the perilous flood;  
 And then die as brave Wolfe died—the hero's proud doom—  
 When Victory lights his bright path to the tomb.

## IV.

They have met like two clouds in the desperate sky,  
 And the flash and the deep thunder waken around—  
 And young Allen is there—and his weapon is high,  
 And its clash and its clangour thro' the sky resound—  
 His eye is on danger—his look is on death—  
 His hand on his blade, and his heart in the strife;  
 He sees not—he hears not the faultering breath  
 Of the craven who asks for his life—  
 He but sees the dark pirate ship's banner of blood,  
 And he swears to wash out its deep dye in the flood.

## V.

Did ye see the stern pirate foe—death in his eye,  
 As he pointed his weapon at Allen's proud breast?  
 Did ye hear the loud gunshot that sounded on high?  
 'Twas the dirge of a soul that has gone to its rest!  
 Then broke the wild cry thro' the tremulous air,  
 And they swore to revenge the young hero's sad doom,  
 And they plunged like young lions aroused from their lair,  
 And recked not of death or the desolate tomb,  
 So that Victory hover'd with bright wing of pride  
 O'er the warrior's couch when the warrior died.

## VI.

The tear of the patriot will drop o'er the grave,  
 Where the hero reposes in silence and gloom—  
 The arm of the gallant, the generous, the brave,  
 Will rise to revenge the young Conq'r's doom:  
 Wake harp of the minstrel—awake the sad dirge.  
 And pour the Lament thro' the desolate sky—  
 The hero hath died on the rude ocean's surge,  
 His tomb is on earth, but his home is on high:  
 And the laurel shall bloom—and the cypress shall wave  
 Long, long o'er young Allen's victorious grave.

RHINEBECK, Dec. 4th, 1822.

The citizens of Hudson, who have always been distinguished for their liberality and patriotism, erected in 1833, a splendid monument to his memory, on which we find the following inscriptions:

“To the memory of WILLIAM HOWARD ALLEN, Lieutenant in the United States Navy, who was killed when in the act of boarding a piratical vessel on the coast of Cuba, near Matanzas, at the age of thirty-two years.

“WILLIAM HOWARD ALLEN was born in the city of Hudson July 8, 1790, he was appointed a midshipman in 1808, and

a lieutenant in 1811, and he took a conspicuous part in the engagement between the Argus and the Pelican, in 1813, and was killed while in command of the schooner Aligator.

"WILLIAM HOWARD ALLEN, his remains first buried at Matanzas, were removed to this city by the United States government, and interred under the direction of the common council of this city beneath this marble, erected to his memory by the citizens of his native place, in 1833.

"Pride of his country's banded chivalry,  
His fame their hope, his name their battle cry;  
He lived as mothers wished their sons to live,  
And died as fathers wished their sons to die."

*enkins*  
WILLIAM J. WORTH.

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MAJOR GENERAL WILLIAM J. WORTH, is another of Columbia's illustrious sons, whom not only this county, but the nation may be justly proud of having given birth. This distinguished officer was born in the city of Hudson in 1794. He received a good common school education, and commenced life in this city as a clerk; from Hudson he removed to Albany, where he remained until he was eighteen years of age, when he entered the army. He married the daughter of the late John Stafford, of Albany. He died of cholera at Antonia De Bexar, Texas, on the 17th of May, 1849, after having escaped the perils and dangers of the Mexican war. His character, as a soldier, is well known throughout the world; and his military achievements now constitute an important portion of his country's history. His name, along with those of Taylor and Scott, will descend to posterity, and be admired and revered through all future time.

We copy the following biographical sketch of GENERAL WORTH, from the "Rough and Ready Annual."

"WILLIAM J. WORTH was born in the State of New-York, and when a boy, was engaged in a store in Albany. When quite young, the disputes between France and England seemed likely to draw our country into a war with one of the great powers; and when these fears were realized, Worth was one of the first to apply for a commission in the army. His request was granted, and he received the appointment of first Lieutenant in the twenty-third infantry, on the 19th March, 1813.

"In the battle of Chippewa Plains, Worth acted as aid to General Scott; and when the nature of that officer's duties are remembered, it will be acknowledged that this was a dangerous and responsible station. Yet he won the admiration of his superiors, by his excellent conduct, and was noticed by General Brown in complimentary terms. He was further rewarded by a commission as Captain, dated August 19, 1814.

"In the sanguinary battle of Niagara, Worth had a further opportunity of proving his military talents. Captain Worth

was rewarded for his bravery in this action, by the thanks of his superior officers, and the rank of Major. Although he performed good service during the remainder of the war, yet he had no opportunity of distinguishing himself. At its close, he was honored by an appointment to superintend the West Point Academy, in which responsible station he won the esteem and confidence of all concerned. He was breveted Lieutenant-Colonel on the 25th of July, 1824; appointed Major of ordnance in 1832, and Colonel of the 8th infantry regiment, July 7th, 1838.

"In Florida, Colonel Worth was enabled to act a rather more conspicuous part than most of the officers in that unfortunate war. The precision that characterizes all his movements was of the utmost service during the campaigns of 1841 and 1842, when he compelled several parties of Indians to surrender. He was breveted Brigadier-General on the 1st of March, 1842. On the 19th of April he fought the battle of Palaklakhaha, in which a large body of Seminoles were entirely defeated, and several of their chieftains subsequently obliged to surrender.

"When General Taylor marched from Corpus Christi to make war upon Mexico, Worth was the second in command, and led the main army to the Rio Grande, while the commander moved towards Point Isabel. Worth planted the flag of his country on the Rio Grande, with his own hand. Soon after Colonel Twiggs arrived, and claimed the command of Worth's division, on account of priority of commission. His claim being substantiated by the proper documents, Taylor was obliged to confirm it, and Worth, considering himself aggrieved, left the army, reached Washington and tendered his resignation. In doing so, however, he displayed all the delicacy and reluctance which such a step was calculated to inspire, and declared his hope that should actual hostilities take place he might be permitted to resume the command, and express his entire approbation of the conduct of the commanding general.

"While at Washington the aspect at the seat of war changed. News arrived of the danger of Taylor at Fort Brown, and soon after of the march to Point Isabel, and the battles of the 8th and 9th of May. Worth immediately applied for his commission; it was granted, and he hurried on to Texas. He was received by General Taylor with open arms, and conducted the negotiations attending the capitulation of Metamoras.

"But another and nobler field was now offered to him at Monterey. General Taylor, with the generosity of a true soldier, intrusted him with the attack upon the Bishop's palace; an almost impregnable fortress, commanding a steep and rocky height, and the key of the road to the interior-



This was considered by the whole army as an almost desperate undertaking, and none who saw the division of the General march from the camp towards the palace, expected to see half of them return.

"The peculiar situation of Worth, favored this belief, as it was supposed that, in order to atone for his lost opportunities, and stop the voice of calumny, he would rush headlong into danger, and recover his reputation at every hazard. Worth acted differently. He felt his duty to the soldiers, and allowed no personal feeling to hinder its execution. Where the Americans expected the heaviest loss, and perhaps total failure, they were scarcely injured. During the whole time the troops labored in range of the enemy's guns, crossing ravines, climbing rocks and ledges, wading through water and carrying their cannon up precipitous cliffs. Worth was all the time on horseback, riding from post to post, and using every effort to cheer his men in their laborious duties. His conduct is mentioned by the commander, in terms of the warmest approbation.

"Worth was one of the commissioners at the negotiations for the capitulation, and performed efficient service during the evacuation of the city. He was subsequently detached to Saltillo, where he remained until January, at which time he marched for the Gulf coast to join Gen. Scott.

"At Vera Cruz, General Worth was the first officer that formed his troops in line after their landing. His services in the siege were valuable; and he was the head of the American deputation to arrange the terms of capitulation. When the Mexicans had left the city, Worth was appointed governor, and occupied it with his brigade. His prompt and exact measures soon resuscitated the trade and commerce of the city, and repressed the disorders which had long disgraced it.

"On the same day that the battle of Sierra Gordo was fought, Worth took unresisted possession of the town and fortress of Perote, in which were found immense stores of ammunition, cannon, mortars, and small arms. This is one of the strongest castles in Mexico. Here he remained for some time, principally engaged in perfecting the discipline of his army. The movements of Santa Anna called him from his retirement; and after the battle of Sierra Gordo, he was very active in cutting off supplies from the Mexican camp. Early in May, he advanced towards Puebla, and on the 14th, he was met by Santa Anna, with a detachment of about three thousand men, most of them cavalry. A skirmish ensued, several Mexicans were unhorsed, and the whole force returned to the city.

"The next morning, before daylight, Santa Anna left for the interior, and at ten o'clock the Americans obtained quiet

possession. The city of Puebla is well built, ornamented with numerous public buildings, and contains eighty thousand inhabitants.

"This has proved the last military achievement of General Worth. The same inaction of troops imposed on all other officers of the Mexican war, is shared by him; and until this is obviated, we have little reason to suppose that we will have occasion to crown him with fresh laurels.

"General Worth possesses a tall, commanding figure, a full front, and is said to be the best horseman, and handsomest man in the army. In discipline, he is very rigid, but is a universal favorite with the soldiers, by whom his appearance is always cheered. His great attachment to General Taylor, has been the subject of frequent remark; and when the commander was called to part with so many of his officers, prior to the battle of Buena Vista, with no one was he more loth to part than with Worth. The General never appears with his troops except on horseback; and he seems perfectly conscious of his skill in riding. On such occasions, he forms a most singular contrast to his brother officer, who is one of the most awkward equestrians in Mexico.

"Worth possesses fine talents other than military. He seems to be one of those who are born to distinguish themselves in any occupation into which fortune may throw them. He is a firm friend, an agreeable companion, and possesses a sort of chivalric frankness and kindness of heart, which, notwithstanding his strict discipline, endear him to the whole army.

#### GEN. WORTH AT MONTEREY.

"Few who saw General Worth march towards the Bishop's Palace, on the morning of the 20th, ever expected to see him return. He had missed Palo Alto and Resaca Palma; and his feelings were known to be sad and chafed at the late unfortunate differences between himself and government. It was well understood that General Taylor had given him a separate command, mainly out of delicacy to his misfortunes; and all supposed that he would establish his reputation as a general, by pushing forward, through uproar, confusion, and death, to the cannon's mouth.

"As the brave fellows filed by their comrades, many a pitying glance was cast upon them, and many a brave heart ached as it sighed forth an involuntary farewell. The general was silent. He appreciated the magnanimity of his brother veteran, and burned to prove that it was not misplaced; but, no doubt, thoughts were then crowding upon his mind, which were never permitted to pass the lips; and he knew and felt that something dearer than life was resting upon the possibility of capturing a seemly impregnable fortress.

"The division marched to a hill, and passed the night almost within range of the palace guns. Long before daylight, the rolling of drums and the loud shouting of the sentinels, roused the soldiers to arms, and they soon recommenced their toilsome march. After winding in silence up the steep ascent, they arrived at a ridge, dimly seen through the twilight, projecting over their heads. They turned it, and directly in front were the muzzles of the enemy, frowning with seeming impatience upon them. But it was too late to pause. On they went, sweeping up the rocky path; their artillery echoing from hill to hill, as the horses galloped over the hard ledge. Suddenly the enemy burst forth, and ere the thundering discharge had rolled away in the distance, storms of iron hail came battering over the rocks, and scattering broken bushes and flinty stones in all directions. Still the troops bore on, winding along a deep gorge, till they reached another ridge about three quarters of a mile from the first, and under the summit of a high hill. Upon reaching this, they beheld in advance, a body of cavalry, splendidly mounted and caparisoned, with their lances sparkling in the early sunbeams, and preparing for a charge. Immediately, Captain Gillespie galloped along the flank of his Texan rangers, ordering them to dismount, and place themselves in ambush. They obeyed, and the next moment the enemy swept within a few yards of them.

"All at once, the rangers poured forth their fire, and man and horse plunged headlong over the rocks. McCullough's troops now dashed into their broken ranks, and closely following came the 8th infantry, led by the gallant Longstreet. The enemy fought furiously, and hand to hand the fierce cavalry charged each other rolling backward and forward upon the rocky height.

"Meanwhile Colonel Duncan had been preparing his battery, and soon its heavy discharges, and the rushing of the terrified horses, announced that the conflict was about to terminate. The enemy fled up the hill, in wild confusion, followed by the infantry of the Americans, who as they moved fired volleys of musketry at their foe. The Mexicans lost thirty men killed; among them a Captain, who fell under three wounds, while fighting with the most determined bravery.

"About noon, Captain C. F. Smith, with two companies of the artillery battalion and four of Texan rangers, was ordered to storm the second height. The undertaking was a fearful one. Five hundred yards intervened between them and the foot of the hill, their way lying over perpendicular rocks, heaps of loosened stones, and thorn bushes; while on every peak and thicket above were glittering rows of Mexican infantry, prepared to pour upon them showers of musket balls.

The party, however, did not for one moment dream of danger. Under their gallant leader, they were prepared for any service and any danger; and after the command to march was given, they were soon out of sight, behind a ridge of rocks. Their companions watched, with beating hearts, for their re-appearance; till at length, fearful for their safety, Captain Miles, with the 7th infantry, was detached to their support.

"Instead of taking the same route as the first party, they moved rapidly toward the hill in the very breast of the redoubt until they arrived at the shores of the San Juan, which winds along a ledge. They paused a moment, and the next were wading across the swift current, which was plunging and foaming with the showers of balls that incessantly ploughed its surface. They landed, marched to the hill, and detached Lieutenant Gantt, to arrest the attention of the enemy, and if possible discover Captain Smith's party. They pushed up the hill, while shells and round shot flew in all directions, tearing up the shrubs and stones, and filling the air with showers of dust and gravel; and overhead, the sharp crack of musketry, echoing from cliff to cliff, announced that the infantry were not idle. Suddenly, the quivering bayonets of the first party glittering in the sunbeams, broke upon their sight. They arrived, rushed up the hill, and the next moment we were sweeping the Mexicans from the summit.

"The enthusiasm of the troops now became irresistible. Company after company marched up the rocky ascent, cheering and shouting until their voices arose above the roar of cannon and confusion of battle. The Mexicans, unable to resist the fierce shock, deserted their works and fled, to the number of a thousand, down the steep ascent towards their second fort. As they passed the rear gate, the Americans entered in front; and in a moment the national flag was playing in graceful folds over the breastworks, while the guns found in the fort commenced thundering away at the Bishop's Palace.

"Thus was this important post taken, almost without loss on the part of the Americans; but it was only the commencement of the drama—the palace was still before the soldiers, with its massive frowning walls, that seemed to bid haughty defiance to the utmost effort of any army. Rows of cannon and files of musketry bristled along its ramparts, and its very height was fearful to look upon. Yet the man who led the assailants, was not to be deterred by difficulty. He had determined to accomplish what he had marched for—to take the palace.

"At three o'clock, on the morning of the 21st, Col. Childs left the camp with three companies, on his way to the palace. Their road lay over steep rocks, covered with loose fragments or hedges of chapparel. They marched rapidly, but with

muffled tread, until, at daybreak, they found themselves within one hundred yards of a Mexican breastwork of sand bags. Here, being discovered, they paused to await reinforcements. Three privates, however, had advanced ahead of their companions, and were surprised by a party of Mexicans, to whom they surrendered. They were shot with their own muskets. Major Scott and Col. Saniford now advanced to the support of Childs, toiling up the steep ascent, and obliged to carry a heavy howitzer upon their shoulders.

"When these reached the summit, the loud bursts of the howitzer, and the renewed firing from the palace, announced that the conflict had begun in earnest. All at once the Mexican force collected, and poured toward the howitzer at full gallop. The brave Rowland saw them coming, and prepared for the encounter. Another leap, and their horses would almost have touched the Americans, when a loud burst rang upon the air, and the dense mass rolled backward, as though struck by an earthquake. Then followed a peal of musketry, and the broken cavalry fled in terror from the unequal contest. In a little while, the Americans followed them, rushed upon the palace, and entered by a small aperture in the wall. The Mexicans were soon driven from the works, the guns secured, the star-spangled banner hoisted, and the Bishop's Palace was our own.

"On the 23d, General Worth entered Monterey with his whole division, and was soon involved in the stirring events attending its assault. As he rode from post to post, amid the shots that were flying thick and fast around him, his fine form seemed to grow with the danger, and the sadness of a previous day was entirely absorbed in the excitement of action and flush of victory. Here he remained in the very heart of the city, until news reached him that terms of capitulation were about to be offered, when he ceased all further operations.

"No event in the life of General Worth has ever added more to his reputation as a general, than this fine assault. It was conducted under peculiar circumstances—those which, in some measure, would have excused or palliated rashness. But he forgot self. The safety of his men was more dear to him than his personal fame; and, with a feeling allied to that of the martyr, he determined to perform nothing but his duty, totally regardless of consequences. His disinterestedness was rewarded; and the post where all thought slaughter would be wildest, was scarcely stained with American blood. How gratifying must have been the feelings of the General as he reflected on the magnitude of his services, his little loss, and complete success."

## AMBROSE SPENCER.

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THE late Chief Justice AMBROSE SPENCER, was born in the State of Connecticut, on the thirteenth of December, 1765. His father's name was Philip Spencer. He entered the freshman class of Yale College, in the autumn of 1779, where he remained nearly three years; and he completed his collegiate course at Harvard University in 1783. He was only six or seven months past his seventeenth birth day, when he graduated. He commenced the study of the law with John Canfield, a distinguished lawyer, at Sharon, Connecticut. He remained in the office of Mr. Canfield until sometime in the year 1785; he then quit his residence at Sharon, and became a student in the office John Bay, Esquire, in the village of Claverack, in the county of Columbia. Mr. Bay was an eminent lawyer at that period. In 1786, while a student, he was appointed clerk of the city of Hudson, through the influence of his friend, John Bay. Mr. Bay held the office before him, and he generously relinquished it in behalf of his pupil. The period of his professional practice, from the time he took his counsellor license to his elevation to the bench, was fourteen years. After the first three years, with the interval of one year only, he was constantly in public office, either political or professional, or both. In 1793, he was elected a member of the Assembly from Columbia county. The next year he was elected to the Senate from the eastern district of the state; he took his seat in January, 1796. He was reëlected in 1798, from the middle district, into which Columbia county had been thrown, for four years. In 1796, he was made Assistant Attorney-General for the judicial district composed of Columbia and Dutchess; and in February, 1802, he was appointed Attorney-General of the state, which office he held until February, 1804.

From his first entrance on his professional career as a counsellor of the Supreme Court, his practice was extensive and lucrative. He was one of the most conspicuous members of the Columbia bar at that time, and he took part in the trial of the most important causes. He was also habitually in attendance on the higher courts; his name appears frequently

in the volume of the earliest reported cases in 1799, and he was greatly distinguished as a lawyer long before that period. The members of the New-York bar, at the close of the last century, and at the beginning of the present, when Mr. Spencer's legal fame was at its height, were greatly distinguished for their superior talents and legal learning. He was a member of the council of appointment in 1797. In the spring of 1798 he was reelected to the Senate. He was appointed a Judge of the Supreme Court in 1804; from 1804 to 1823 was the period of his judicial service.

Mr. Spencer removed from Hudson to Albany in 1803. He was appointed Chief Justice in 1819; and was a conspicuous delegate to the convention of 1821. He was also a member of the twenty-first Congress, from the Albany district, having taken his seat in December, 1829. "He had the business of the committee on agriculture in charge," says Mr. Barnard, and he took a deep interest on the subject of the removal of the Cherokee Indians. "His instinctive love of justice, his abhorrence of deceit, oppression, violence and fraud, and the shock he felt at the manner in which the opinions and judgment of that high tribunal over which Marshall presided, had been contemned in the case of these Indians, led him to enter into this subject with even unwonted zeal and energy. He addressed the House at much length on the subject, and, in every way, in concert with the ablest and purest men of the time, in and out of Congress, endeavored to arrest and stay the cruel hand, and unwarrantable course of the government. These efforts, we know, were unsuccessful."

Mr. Barnard also remarks, that "no just estimate can be put on the service rendered by Chief Justice Spencer to the jurisprudence of his country, by us or by any body, by the present or by coming generations, without some adequate acquaintance with the whole contents and body of that voluminous history in which his acts and labors are recorded. The circle of his true fame and glory, therefore, will be that of the judiciary and the bar, where only it can be expected that he should be fully known and understood in his works and character as a judge. Statesmen, however, and men of general intelligence, who must know something of the law and its general history, will never fail to hold him in high estimation. Amongst them, as in the legal profession, the name of Spencer, along with those of Holt, Hardwicke, Camden, Thurlow, Mansfield, Kenyon, Marshall, Parsons, Story and Kent, will continue, in all time, to be pronounced with respect and veneration, so long as the common law and free countries—free as no other system of jurisprudence can make a country—shall endure. Nor can his name, indeed, die out of the memories of men of all ranks and degrees—at least in this country—so long as that popular intelligence shall prevail

which enables the common mind to comprehend, though only in a vague and general way, how our system of American common law, in the construction and elucidation of which he had so large a share, stands connected indissolubly with all the securities of person, property and happiness by which they are surrounded, and with that manly and virtuous freedom by which they are so much distinguished.

"Ambrose Spencer was called a stern judge. He was as stern as Justice is, and not more so. Crime, fraud, vice, cruelty, injustice, oppression, violence, breach of faith, breach of honesty, and breach of law—these, as they appeared before him, never escaped the visitation of his just indignation and his stern rebuke. Ignorance and folly, if now and then he met such at the bar, where he had a right to look for something better, were not apt to escape his frown of displeasure or of contempt. With a large frame, and a commanding person, tall, straight and well knit together, and with a countenance indicative of strong thought, not cold and abstract, but deepened with feeling not less strong—forming altogether a presence of uncommon dignity and energy—it certainly was not a light thing to encounter his displeasure. The character for stern justice and rigid impartiality which he bore, was apt to make his displeasure felt as something only too well deserved, and it was the more justly to be dreaded from the uncommon command he had over the most forcible forms of expression which the English language could supply, and which seemed to possess extraordinary vigor and intenseness when he was dealing in rebuke. Many a culprit, I doubt not, has felt his crimes to be really enormous, for the first time, under his awful reproaches. But if he was a severe, he was also a just and humane judge. He had a great admiration for talent, as he had for honesty, and goodness, and truth. He detected the indications of ability and merit at the bar among its junior members, as they presented themselves there, with that quick perception which was so characteristic of him in all things, and he was prompt to lend to all such his countenance and encouragement. There was, too, in him, behind an exterior sufficiently austere and rigid, a deep well-spring of natural affections, and amiable and benevolent dispositions; and never was the rock struck, on any just occasion, that the fountains did not flow. The tenderness of his nature was easily stirred, and was often stirred, and that, too, from uncommon depths. In his judicial capacity, however, it was the peculiar and commanding strength of his intellectual powers which chiefly made him a man of mark, and gave him his superiority. His mind was remarkable for the quickness of its perceptions, for its penetration, and its comprehensiveness; for the ease with which it would master the most complicated details, and bring order and light out of



confusion and darkness. His mind was not of a nature to creep to a conclusion; he strode to it by the directest way, and by a kind of giant tread. No lurking fallacy in the statement, argument or opinion of another could well escape the detection of his keen and scrutinizing glance. If the logic of a thing was wrong, however plausible it might be, it seemed as certain to meet exposure from him, as if it was wrong in principle or in morals. His judicial opinions may well be taken as models in that kind of composition; clear in statement, expressed in vigorous, yet unaffected language; presenting usually a single point, or view, on which the whole case must turn; the reasoning carried on with equal acuteness, precision and brevity, with a rigid exclusion of all matter not essentially belonging to the case, or the argument; quoting authorities sparingly, but with admirable discrimination; and when his conclusion is reached, stopping short, and leaving the principle developed and decided standing out in high relief from the case, as a fixed and permanent land-mark of the law. Such was Chief Justice Spencer."

Judge Spencer, in 1839, removed to a pleasant and quiet home in the village of Lyons, in this state, where he remained until his death. He died on the 13th of March, 1848, in the eighty-third year of his age.

## JOHN C. SPENCER.

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JOHN C. SPENCER is one of Columbia's distinguished men, and is a son of the late Chief Justice Ambrose Spencer. This distinguished jurist and statesman was born in the city Hudson of Hudson, county of Columbia, and State of New-York, on the 8th day of January, in the year 1788.

He was educated at schools in the city of Hudson, one of which was kept by Mr. Hedges, until in his eleventh year he was sent to Kinderhook Academy, of which the Rev. David B. Warden (lately consul general in France) was Principal. He remained at Kinderhook, until he accompanied Mr. Warden on his removal to the academy at Kingston, Ulster county, where he was prepared for college. He entered Williams College, Massachusetts, in 1803, where he remained over a year, and then entered the junior class at Union college, Schenectady, in 1804, where he graduated in July, 1806, receiving the first honor of the class.

He then commenced the study of law with Daniel Jones, Esq., in the city of Albany, and continued under his direction until the death of Mr. Jones, when he entered the office of Daniel Rodman, Esq., of the same city, and was admitted an attorney of the supreme court, in May, 1809. In July, 1807, he was appointed private secretary by Governor Tompkins, and remained in the office until May, 1809, when he married Eliza Scott Smith, daughter of James Scott Smith, Esq., and they removed to Canandaigua, in the county of Ontario, where he commenced his profession and continued in practice of it there, until his removal to Albany in June, 1839. In February, 1811, he was appointed by Gov. Tompkins and the Council of Appointment, a master in chancery for the county of Ontario. He was regularly admitted a counsellor of the supreme court, and solicitor and counsellor in chancery.

In December, 1813, he was appointed by Gov. Tompkins, judge advocate of Gen. McClure's brigade of militia, and served with it on the frontier and in Canada, during the term for which it was called out.

In January, 1814, he was appointed postmaster of Canandaigua, by Gideon Granger, postmaster-general, in which office he remained about a year.

In February, 1815, he was appointed by Gov. Tompkins and the Council of Appointment, district attorney for the five extreme western counties of the state, and officiated as such about three years.

In April, 1816, he was elected a member of the fifteenth Congress, for the then twenty-first district. He served during the term of his election, and was conspicuous for the memorable enquiry which he instituted into the condition of the Bank of the United States. His associates on the committee were William Lowndes of South Carolina, Louis McLean of Delaware, and John Tyler and William Burwell of Virginia. He declined a reelection to congress, and in April, 1819, was chosen a member of the house of assembly of this state, and on its organization in January, 1820, was elected its speaker, in which capacity he introduced many needed reforms in the business of the house.

He was elected and served in the assembly of 1821, the party to which he belonged being in the minority in the house.

In November, 1824, he was elected a senator for the then seventh district, and took his seat in 1825, and served the whole term.

In April, 1827, he was appointed by Gov. De Witt Clinton, one of the revisers of the statutes of this state, in place of Henry Wheaton, who had resigned on receiving a commission as minister of the United States at Berlin. Benjamin F. Butler and John Duer were his associates in this great work, which was completed and went into operation in January, 1830.

In March, 1829, he was appointed by Governor Van Buren special counsel to prosecute the persons implicated in the abduction of William Morgan, and discharged the duties until May, 1830, when he resigned.

He was elected to the assembly in November, 1830, and again in November, 1832, and served the two sessions of 1831 and 1833.

In February, 1839, he was appointed by the senate and assembly, secretary of state, and in February, 1840, by the same, a regent of the university, in which offices he continued until October, 1841, when he was appointed secretary of the department of war of the United States.

In March, 1843, he was appointed by the President and Senate, secretary of the treasury of the United States, in which he continued until the 1st of May, 1844, when he resigned that office, in consequence (as appears from a published letter to the editors of the National Intelligencer) of his

not concurring in the views of the president respecting the acquisition of Texas.

In 1849 he was appointed by the legislature a commissioner of the code, but declined accepting the office.

He received the degree of A. M. in course, at Union college, in 1809, and subsequently received the degree of LL. D. from the same college, and also from Geneva college, and Columbia college, N. Y.

We have given mere dates and facts in the life of Mr. Spencer. But it is impossible to look over the list of public stations he has filled, without perceiving that his has been a very active career. In the national and state legislatures, and in the highest executive offices of both governments, as well as in the revision of the statutes, and in professional duties of great magnitude and difficulty, it is generally known that he has been remarked for indefatigable industry and application. The nature of this work does not permit any extended notice of the public measures originated or sustained by the persons whose names are commemorated. But, independent of the many valuable reforms and improvements introduced by the revised statutes, in which Mr. Spencer may be supposed to have had his share, there have been two great changes in our laws, which he is understood to have introduced, or shaped in such form as to secure their adoption, and to have supported with characteristic energy: Their importance justifies a brief mention of them here. One of them is the law originally passed in 1820, by which absolute sales of real estate on executions, at short notice, were abolished, and time was given to the embarrassed farmer to redeem his farm; and on his failure to do so, to enable his creditors to compete for it, so as to prevent any sacrifice of its value. The effect of this law in enhancing the value of real estate and preventing frauds, has been most salutary. The other change, was the law to abolish imprisonment for debt, and to substitute prompt and cheap remedies to compel the disclosure of property and its honest application; of this reform it is unnecessary to speak. The laws which Mr. Spencer introduced and carried in relation to banking and common schools, and on various other subjects, have been numerous and important.

WILLIAM A. SPENCER, AMBROSE SPENCER, Jr., and THEODORE SPENCER, brothers of JOHN C. SPENCER, were also born in the city of Hudson.

WILLIAM A. SPENCER was born on the 7th January, 1793. He was educated in the schools of Hudson and at Fairfield Herkimer county. At an early age he entered the Navy of the United States as a midshipman, and in that capacity served in the fleet commanded by Commodore McDonough, in the celebrated naval battle on Lake Champlain, in 1813, in

which he was wounded. He is understood to have been engaged in many of the naval engagements on the ocean during the last war with Great Britain.

He remained in the navy, in almost constant service in the different grades, until in 1841 he was promoted to the rank of post-captain. In 1844 he resigned, and has since been occupied in the pursuits of civil life.

AMBROSE SPENCER, Jr., was born on the 18th day of July, 1795. He was educated in the schools at Hudson and partly at West-Point academy. At the beginning of the war of 1812, he was appointed a captain in one of the regiments of infantry. He was soon after selected by Major General Jacob Brown, as his aid-de-camp, and served in that capacity on the Northern and Western frontiers. At the sanguinary battle of Lundy's Lane, in Canada, he was shot while passing in front of the enemy, carrying the orders of his commanding general, and after lingering a few days, he expired near the battleground. His remains, with those of other officers who fell on the frontier during that war, were collected and deposited at Sackett's Harbor, on Lake Ontario.

THEODORE SPENCER was born on the 24th of April, 1800. He married Miss Vosburgh, of Kinderhook, daughter of Myn-dert T. Vosburgh, and removed to Auburn, Cayuga county, where he practised the law for some years, and was district attorney of the county. About the year 1835 he abandoned that profession, and became a minister in the Presbyterian church. He officiated as such a number of years at Utica.

## MARTIN VAN BUREN.

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MARTIN VAN BUREN was born at Kinderhook, on the 5th day of December, 1782. His father, Abraham Van Buren, was a farmer of moderate circumstances, in the town of Kinderhook, county of Columbia and state of New-York. He was a descendant of one of those Dutch families who, at an early period in the history of this country, emigrated from Holland, and settled in the ancient town of Kinderhook. The maiden name of his mother was Hoes; she also was of Dutch descent; the name originally was Goes. The name of her first husband was Van Alen, by whom she had two sons, John I. and James I. Van Alen, and a daughter, all of whom are now dead. James I. Van Alen was a man of talents, and a lawyer by profession; he was a member of the convention to amend the Constitution in 1802, and was afterwards surrogate of Columbia county. The mother of Mr. Van Buren was distantly connected with the family of his father before their marriage.

Mr. Van Buren has four sons now living, to wit, Abraham Van Buren, who was born at Kinderhook, November 27, 1807; John Van Buren, who was born at Hudson, February 18th, 1810; Martin Van Buren, junior, who was also born at Hudson, December 30, 1812; Smith Thompson Van Buren, born at Albany, January 16th, 1817.

He was educated at Kinderhook academy, where he acquired some knowledge of the Latin language, but his education was quite limited. In 1796, at the age of fourteen years, he commenced the study of law with Francis Sylvester, who was a respectable lawyer at Kinderhook, and completed his legal studies with William P. Van Ness, in the city of New-York; he was in his office one year.

In November, 1803, in the twenty-first year of his age, Mr. Van Buren was admitted attorney-at-law, to the bar of the supreme court in the State of New-York, and returned immediately to Kinderhook, where he commenced the practice of the law, and continued there in the practice of his profession until 1808, when he removed to the city of Hudson, where he did a large professional business, until 1816, when he removed from Hudson to Albany, where he continued in

the practice of his profession, with some interruption, until 1828.

Mr. Van Buren was an eminent and successful lawyer. Such a set of men as composed the Columbia bar about the time that Mr. Van Buren entered upon his professional career, perhaps has never lived at the same time in any other county in the United States; even the Lexington bar, in Henry Clay's best days, for numbers and for talents, would not compare with them. The talented Jacob R. Van Rensselaer, the learned Ambrose Spencer and Thomas P. Grosvenor, the fascinating William W. Van Ness, and the eloquent Elisha Williams, were there. After the elevation of William W. Van Ness, in 1807, to the judicial bench of the supreme court, Mr. Van Buren was employed in the trial of almost every important cause that was tried in this county, until he removed to Albany, and generally opposed to Mr. Williams. These men have had many a hard fought battle at the bar of Columbia county; although they were very dissimilar, yet both possessed talents of the highest order. Williams was witty, eloquent and sarcastic, Van Buren was persuasive, ingenious and argumentative. These men were not only generally opposed to each other at the Columbia bar, but they were in the higher courts. At Hudson these distinguished men have tried many important and interesting causes in opposition to each other, and they attracted the attendance of crowded audiences; multitudes have listened to them with great delight. Their brilliant efforts at the Columbia bar are still fresh in the recollections of thousands, and will never be effaced from their memories.

Mr. Van Buren is a man of pleasing and fascinating manner, and a man of unblemished private character. He has been remarkable for laborious study; few men have lived a more active life. He has been an active and ardent politician, and his political career has been eminently successful. He is intimately acquainted with the human heart, and knows all its secret springs; and to his deep knowledge of human nature may, in a great measure, be attributed his success as a lawyer and politician. He studied General Jackson's character, and was better acquainted with his predominant passions than Calhoun with all his talents; and he insinuated himself into his affections and confidence, and he bestowed upon him the benefit of his immense popularity and great personal influence, which was one great means of his elevation to the presidency.

It is believed that Mr. Van Buren has filled more important offices than any of the presidents of the United States, not even excepting John Quincy Adams; he, it is true, was appointed to more foreign missions, but was never governor of his native state, nor vice-president, but Mr. Van Buren was

both; and commencing with the humble office of fence-viewer, he filled almost all the intermediate and successive grades of office, up to president of the United States. He passed from one height of glory to another with unparalleled rapidity, until he reached the summit of human ambition. He was appointed surrogate of the county of Columbia, on the 20th of March, 1808. He was elected to the Senate from the middle district, in 1812. In 1815 he was appointed attorney-general of this state. In the spring of 1816, he was reelected to the senate of this state for the further period of four years. In 1821, he was elected to the United States Senate, in the place of Mr. Sanford, whose term of office expired on the 4th of March. Mr. Sanford was a candidate for reelection, but at a caucus of the republican members of the legislature, which was attended by eighty-two members, Mr. Van Buren received fifty-eight votes and Mr. Sanford twenty-four. He of course was regularly nominated. In the senate Mr. Van Buren received seventeen votes for United States Senator, and Mr. Sanford eight; in the assembly Mr. Van Buren received sixty-nine votes, and Mr. Sanford fifty-two. Mr. Van Buren, it will be perceived, was elected. He was also, in the year 1821, elected a member of the constitutional convention, from Otsego county, and he was a very conspicuous member of this convention.

This ambitious man began now to aspire to the presidency; Washington presented to his mind a more widely extended theatre of action than Albany.

On the sixth of February, 1827, he was reelected to the senate of the United States, by a large majority of both houses of the legislature.

In 1828, he was elected governor of New-York. His message to the legislature, on the opening of the session, was a very able and well written document.

He was appointed secretary of state in 1829, by President Jackson, in a few days after his inauguration to the office of President of the United States, and on the 12th of March he communicated to the legislature his resignation of the office of governor. When his resignation was announced, both houses passed resolutions of congratulation and thanks highly complimentary to Mr. Van Buren.

In 1831 he was appointed by General Jackson, minister to England. President Jackson, early in the session of 1832, sent in his nomination to the senate, but it was not acted upon by that body for a long time, and it was at last rejected, notwithstanding the great popularity and personal influence of General Jackson. By the adroit management of Mr. Clay, a majority of the senate was organized against him; and as Mr. Van Buren was known to be the particular friend and special favorite of the general, and already destined by him



to be his successor. This measure was selected by the opposition as the one best calculated to check the power and mortify the president, and at the same time to convince the American people that the president was not wholly to control the dispositions of the national patronage.

Mr. Van Buren, while he was secretary of state, had instructed Mr. McLane, who preceded him as minister to England, in order probably to conciliate the British ministry and induce them to yield certain claims which Mr. McLane was instructed to urge, to say to the party then in power in England, that the administration of Gen. Jackson was more favorably disposed towards them than that of Mr. Adams. These were the reasons assigned for resisting the appointment of Mr. Van Buren.

President Jackson officially communicated to the senate, that that part of the instructions to Mr. McLane was inserted by his directions; but this announcement tended rather to confirm the majority of the senate in their opposition to Mr. Van Buren's nomination. When it was known that the United States senate had rejected his nomination, his political friends in the New-York legislature and the citizens of Albany, held a meeting for the purpose of publicly condemning the course pursued by the senate in relation to his rejection by that body, which they considered an act of great persecution. Nathaniel P. Tallmadge, on this occasion, delivered a very eloquent speech, denouncing this measure in severe terms. Similar meetings were not only held in different parts of the state, but throughout the union.

Mr. Van Buren's rejection enlisted the sympathies of the American people in his favor, and unquestionably was one cause of his nomination for the office of vice-president by the Baltimore convention.

In 1832 he was elected vice-president.

In 1836 Mr. Van Buren was elected president of the United States. His inaugural address was a well written document, and evinced great ability and ingenuity, and was favorably received.

During the summer of 1839, Mr. Van Buren visited his native state, and stopped at all the principal cities and villages, and he met with a very cordial reception, and was followed by crowds of people of both sexes. His reception at Kinderhook must have been highly gratifying to his feelings. He was received at the Kinderhook hotel by an immense concourse of citizens. He arrived amid the roar of cannon and every other demonstration of respect that could be possibly shown to Columbia's distinguished son. He addressed the multitude from the piazza of the Kinderhook hotel, in a very pathetic and eloquent speech; and he was evidently very

deeply affected by the warm hearted manner with which he was received by the citizens of his native county.

What a striking contrast did his present elevated position present to that of his youth ! In this his native village, he had held the humble office of fence-viewer, in early life ; and he was then administering the government of the most powerful nation on earth !

In 1840 Mr. Van Buren was nominated a candidate for the presidency, but it is well known that he failed of being elected ; General Harrison, the Whig candidate for that office, succeeding by a large majority.

The feverish excitement which prevailed on the eve of this election, has seldom been witnessed in this country ; and the joy of the Whigs in consequence of their success was unbounded. But their joy was soon turned to sorrow by the mysterious providence that so soon removed the man that they had elevated to the executive chair.

Although Mr. Van Buren was defeated by General Harrison, he was not entirely subdued. In his last message to congress he reviewed the acts of his administration, and showed that our foreign relations were in a prosperous condition, and described the embarrassments which the country had suffered ; which, he contended, was the result of the failure of the banks to perform their engagements ; and he insisted that the course he had pursued was the only one which could be adopted, unless a United States bank had been incorporated. This measure, he considered, had been condemned by the American people.

Mr. Van Buren has retired from public life, in the possession of more wealth than most of his predecessors, and with undiminished powers of mind.

## BENJAMIN F. BUTLER.

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BENJAMIN F. BUTLER is a son of Col. Medad Butler. He was born in the town of Kinderhook, December 14, 1795, in that part of the town since erected into the separate town of Stuyvesant. He was educated in common schools and at the Kinderhook academy. He commenced the study of the law, November, 1811, with Martin Van Buren; was admitted as an attorney of the supreme court in May, 1817, and as counsellor, May, 1820. He was a law partner of Martin Van Buren. He practiced law in Albany from May, 1817, to November, 1833, except about a year, from 1819 to 1820, when he was at Sandy Hill, Washington county.

In 1821 he was appointed district attorney for the county of Albany, which office he held until 1827, and then resigned. He was one of the commissioners who revised the statute laws of this state, appointed by the legislature, November, 1824, which ended December, 1828.

He was a member of the house of assembly, from Albany county, in 1828, elected in November, 1827. He was a regent of the University of New-York, appointed in 1829, resigned in 1832. He was appointed a commissioner, with others, by the legislature, in 1833, to settle the boundary line between the State of New-York and the State of New-Jersey.

He was appointed attorney-general of the United States by President Jackson, November, 1833, and held that office until the end of his term, and with President Van Buren until September, 1838, when he resigned.

He was secretary of war *ad interim*, from October, 1836, to the 4th of March, 1837, under General Jackson.

He was appointed United States district attorney of the southern district of New-York, by President Van Buren, December, 1838, which office he held until the 4th March, 1841, when he resigned on the accession of President Harrison.

He was district attorney of the United States for the southern district of New-York, by appointment of President Polk, (after declining the office of secretary of war, tendered by him,) from March, 1845, till September, 1848, when he was removed by him.

Mr. Butler is a learned and profound lawyer, and has been an active politician; he is an able statesman, and was the intimate friend of Jackson and Van Buren.

When he was elected to the assembly in 1827 for the county of Albany, he belonged to the political party that was then in a minority in that county. Unquestionably many of the electors in the county of Albany who voted for Mr. Butler, were opposed to General Jackson and his party, as it was known that the revised statutes would be acted upon by the assembly chosen in November, 1827, and that his services would be beneficial to the public on that occasion. It is a remarkable fact, that two of the three last revisers of the laws of New-York, were born in Columbia county, viz: Benjamin F. Butler and John C. Spencer; and Peter Van Schaack of Kinderhook, revised the laws of the Colony of New-York before the constitution.

At the time he was appointed attorney-general of the United States, on his leaving Albany, he was addressed by a large number of respectable citizens without distinction of party. Stephen Van Rensselaer, Abraham Van Vechten and Harmanus Bleecker, were among the number. They eulogized, and very justly, his virtues, his legal learning, and his great talents.

Mr. Butler is now engaged in the practice of the law in the city of New-York.

In looking over the public offices he has filled, it will be perceived that his has been a very active life. Mr. Butler possesses talents of a high order, and is an ornament to the county that gave him birth. Few men have filled as many important offices, and he has discharged their several duties with great ability. He deserves well of his country.

## AMOS EATON.

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PROFESSOR AMOS EATON was born in the town of Chatham, county of Columbia and State of New-York, on the 17th May, 1776, and died at the city of Troy, May 10, 1842. His collegiate education was acquired partly at Williams college and partly at Yale; his first year was spent at Williams, his second and third years at Yale, and his fourth at Williams.

Mr. Eaton was distinguished for the strength and vigor of his intellectual powers, and for his extensive literary acquirements. He was indeed a man of unusual science, and has published a large number of valuable works, which have been extensively read and circulated, not only in this country but in Europe.

The following is as accurate a list of his publications as we are able to make:

"Manual of Botany."—Of this work eight editions were published; the first, a duodecimo of one hundred and sixty-four pages, in 1817; the eighth, an octavo of six hundred and twenty-five pages, in 1840.

"Zoological Text Book," a duodecimo of two hundred and eighty-eight pages, printed in 1826.

"Chemical Instructor," a duodecimo of about three hundred pages. Three editions were printed; the first in 1822, and the third in 1833.

"Index to the Geology of the Northern States." Two editions of this were printed; one in 1818; the other in 1820.

"Geological Survey of the county of Albany," made by Dr. T. R. Beck and Prof. A. Eaton; published in 1820.

"Geological Survey of the county of Rensselaer;" published in 1821.

"Geological and Agricultural Survey of the district adjoining the Erie Canal;" published in 1824.

"Geological Text Book." Two editions of this were published; one in 1830, and the other in 1832.

"Art without Science, or Mensuration, Surveying and Engineering, divested of the Speculative Principles and Techni-

cal Language of Mathematics." Two editions of this were printed; one about the year 1800; the other in 1830.

"Prodromus of a Practical Treatise on the Mathematical Arts;" published in 1838.

"Richard's Botanical Dictionary." Of this work he published several editions.

"Webster's Philosophy," a revised edition.

Prof. Eaton also published numerous pamphlets of which we have no accurate account.

## JOHN W. EDMONDS.

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THE father of this distinguished jurist was born in the city of New-York, at what is now the corner of William and Liberty streets, on the 27th of August, 1760. When the war of the revolution broke out, he was a student at college, in Rhode-Island. He, however, immediately left his studies, and enlisted in the army as a private soldier. In various capacities, he served during the whole war, having risen from the ranks to an ensigncy, and finally to an assistant commissary. He was at the battles of Monmouth, Yorktown, etc. On the establishment of peace, at the age of twenty-three he started to seek his fortune, having nothing but a horse, saddle, bridle, two blankets, and a little continental money. In 1784, during his wanderings, he arrived at the site of what is now the city of Hudson, then called Claverack Landing. There, as one of the few settlers, he opened a small store, in which business he was found by the emigrants from Nantucket and Martha's Vineyard, who purchased the land and laid the foundation of the city. He was at one time a member of the assembly, and high sheriff of the county, and he continued in trade until the war of 1812, when he again entered the service of his country. He was soon appointed paymaster-general of the militia, in which office he continued for several years after the termination of the war.

He died at Hudson in 1826, and within a few years a beautiful monument has arisen in its graveyard, erected to his memory by his sons. His wife, the mother of the judge, was Lydia Worth, daughter of Thomas Worth, one of the first settlers of Hudson. She was a descendant of William Worth, who emigrated from Devonshire, England, in 1640, and settled in Nantucket. From this common stock have descended Major-General Worth, of the United States army; G. A. Worth, Esq., president of the New-York City Bank; and the Olcott and Edmonds families.

After the death of Gen. Edmonds, his widow resided chiefly with her son, the judge, until she died on the 20th of November, 1841. She was a member of the Society of Friends, and instilled into her children many of the tenets of that respect-

ed sect, which have evidently influenced their conduct through life.

Judge Edmonds was born in the city of Hudson, on the 13th of March, 1799. His early education was at private schools, and at the academy at Hudson, where he prepared for college. In October, 1814, he entered the sophomore class of Williams college, Massachusetts, in company with John Birdsall, afterwards circuit judge of the eighth circuit, and attorney-general of Texas. In 1815, he solicited his dismissal from the college, and entered Union college, at Schenectady, where he graduated in July, 1816. His share in the exercises of the commencement, was the fall of Poland. On leaving college, he began the study of the law, at Coopers-town, with George Monell, Esq., afterwards chief justice of Michigan. After remaining at that place about six months, he returned to Hudson, where he studied two years, in the office of Monell & Van Buren.

In the fall of 1819, he entered the office of Martin Van Buren, in Albany. He continued with the ex-president, residing in his family, until May, 1820, when he returned to Hudson, and entered upon the practice of the law. He continued at Hudson, until his removal to New-York, in November, 1837.

Inheriting the military disposition of his father, we find the judge, at the age of nineteen, a lieutenant in the militia, which commission he held for about fifteen years, when he obtained the command of his regiment. This office he resigned in 1828, on being appointed, by De Witt Clinton, recorder of Hudson. To this day, throughout the old county of Columbia, the judge is addressed as colonel, military honors appearing invariably to take precedence of all others.

At an early age, he took an active part in politics, ranking himself as a democrat, and the first vote he ever gave was for Daniel D. Tompkins, when he ran for governor against De Witt Clinton.

In 1830, the judge was elected by the democrats of Columbia, to the assembly, in which body he soon became a leading and influential member.

In the fall of 1831, he was elected to the state senate, receiving in his district, an unprecedented majority of over 7,500 votes.

In the senate he served four years, during the whole of which time, in addition to other duties, he was a member of the judiciary committee, and for the last three years chairman of the bank committee.

It was also during his senatorial term that the subject of nullification, arising out of the forcible resistance of South Carolina to the tariff laws, occupied the public mind. A joint committee of the two houses was raised on the matter, and the judge was a member on the part of the senate. An elab-



borate report, drawn up by Mr. Van Buren, then vice-president of the United States, was made by Mr. N. P. Tallmadge, the chairman of the committee. About that time, Mr. Tallmadge was elected to the United States senate, and opposition to his report on nullification unexpectedly arising, the defence of it devolved upon Judge Edmonds. The debate lasted more than a week, during which time the judge stood alone against six of the most prominent senators on the other side. The result was the adoption of the report by an overwhelming majority.

In 1834 the judge was chairman of a joint committee of the two houses, to whom was referred the subject of the United States bank, which its opponents alleged was creating pecuniary distress, with a view of extorting from congress a renewal of its charter.

In the summer of 1836, Judge Edmonds was appointed by General Jackson, a commissioner to carry into effect the treaty with the Ottawa and Chippewa tribes of Indians. This business took him during the summer to Michilimackinac, where for nearly two months, he was encamped with over six hundred natives. In the ensuing year he received appointments in relation to other tribes; but in the fall of 1837, he relinquished them, and removed from Hudson to New-York, where he resumed the practice of law. He almost immediately found himself in an extensive and profitable business among the merchant princes of the commercial emporium.

In April, 1843, without any solicitation on his part, the judge was appointed by Governor Bouck, an inspector of the state prison at Sing Sing. It was with much hesitation that he accepted this unthankful task. The labor was indeed Herculean. Scarcely any discipline was maintained in the prison, and the *female prisoners had the entire control of the officers*, hundreds of the males were entirely idle, and the earnings fell short of the expenses by over \$40,000. But within eighteen months, a great change was effected, and the female portion of the prison was brought into complete subjection; strict discipline was introduced and maintained among the males, and the annual deficiency in the revenue was reduced to less than a tenth part of the former sum.

This task, however, was easy in comparison with a reform of a different character which he sought to introduce. He found, that for more than fifteen years, the system of government which had prevailed in our state prisons, was one purely of force; and where no sentiment was sought to be awakened in the breast of the prisoner but that of fear, and no duty exacted from him but that of implicit obedience. No instrument of punishment was used but the whip, which had the effect of arousing only the worst passions of both convicts and officers—a practice of abominable cruelty, long engrafted upon our penitentiary system—revolting to humanity, and

destructive to all hope of reforming the prisoner. So thoroughly had it become engrafted, that the most experienced officers insisted that there was no other mode by which order could be kept. Besides, they found it was then so very easy to govern in that way.

Passion, prejudice and selfishness, all combined to place obstacles in the way of this proposed reform, and its progress was very slow. Yet it steadily advanced, and when, in 1845, the judge resigned the office of inspector, his system was in the full tide of experiment. It has been continued by his successors to the present time. It has also been introduced into the state prisons of Auburn and Clinton, and is now the governing principle in all our state penitentiaries. With a view of carrying out his plan, in December, 1844, he instituted a "Prison Discipline Society," the object of which is the reform of prison government and the aiding of prisoners, on their discharge, to lead honest lives. This society is in very successful operation, and enjoys a large share of public confidence. How great an amount of good can be accomplished by a single philanthropic individual! and for this one movement of the judge, how many poor wretches will rise up and call him blessed! For this the tear of gratitude shall fall upon his grave, while angels proclaim that, "he who turneth one sinner from the error of his way, shall shine as the stars forever." "Man dies, but not one of his acts ever dies. Each perpetuated and prolonged by interminable results, affects some beings in every age to come."

On the 18th of February, 1845, Mr. Edmonds received the appointment of circuit judge of the first circuit, in the place of Judge Kent, who had resigned. That office he held until June, 1847, when he was elected a judge of the supreme court.

In the discharge of his duties as circuit judge, he was always fearless and independent, reminding us of the famous Matthew Hale. A most extraordinary instance of this was exhibited at the anti-rent trials in Columbia county, in September, 1845. The counsel employed in those trials, had been engaged in the same cases at the circuit in March preceding, and had then manifested no little combativeness. They displayed the same warmth before Judge Edmonds, and carried it so far as to come to blows in open court. The offenders were gentlemen of high standing, and personal friends of the judge, and both at once apologized for their contempt of court. But the judge, with great promptness, committed them both to prison, and adjourned his court, with the remark, that it was not his fault that the cause of public justice was thus interrupted. Perhaps none regretted this momentary outbreak more than the parties themselves, whose manners in private life are courteous in the extreme.

This event attracted a great deal of attention throughout the Union, and was noticed by European papers as "evidence of advancing civilization in America." The most gratifying feature of the case was, that it did not disturb the personal good feeling which had previously existed between the parties engaged in it.

Upon the organization of the judiciary, under the new state constitution, Judge Edmonds was nominated for justice of the supreme court by the bar of New-York, and by the Tammany party, and was elected by a majority exceeding any of his colleagues. This result cannot but be gratifying not only to him, but to the public, inasmuch as during his judgeship he had made several decisions that warred upon popular prejudice, and immediately before his election he had, with others of the democratic party, protested against the admission of Texas into the Union, as eminently calculated to lead to a war with Mexico, and to perpetuate the extension of slavery. Subsequent events have justified the sagacity which marked that act, while the act itself has subjected the gentlemen engaged in it to much obloquy and censure from their political associates. This proceeding was, however, rebuked in his triumphant election by the public, who honored him for his independence of character.

The judge has one brother, Francis, cashier of the Mechanics' Bank in New-York, and somewhat distinguished as an artist. He has also three sisters, two of whom reside in the State of New-York, and the third, the wife of Colonel Webb of the United States army, is living in Illinois.

The family of the judge consists of three daughters, two of whom are married.—*American Biographical Sketch Book.*

## AMBROSE L. JORDAN.

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HONORABLE AMBROSE L. JORDAN is another of Columbia's distinguished sons. He was born in the town of Hillsdale, Columbia county, on the 1st of May, 1789. He commenced the study of law in the village of Spencertown, with A. P. Holdridge, Esquire, a very respectable lawyer, and a man of talents. Mr. Holdridge has been judge of this county, and several times elected to the legislature. Mr. Jordan continued the study of the law with Jacob Rutsen Van Rensselaer, in Claverack; afterwards with Parker and Monell at Hudson; and closed with Philip S. Parker, in the city of Albany.

He commenced the practice of his profession, in the county of Otsego, in the autumn of 1812; continued there until October, 1820. He then removed to Hudson, and continued there until 1838. He then removed to the city of New-York, where he has since practised.

In 1814 he was appointed surrogate of the county of Otsego, and held that office until 1818. He was also district attorney of Otsego county in 1821.

He was appointed recorder of the city of Hudson, and held that office until the fall of 1825.

He was elected to the legislature in the fall of 1826, and remained there until the revised statutes were completed. He resigned on the 31st of December, 1829. From that time he devoted himself steadily to his professional duties, until 1846, when he was elected to the constitutional convention, from his native county.

In 1847 he was elected attorney-general of this state; he declined a reëlection.

It will be perceived that Mr. Jordan has filled many important offices, and that he has faithfully discharged their several duties. Mr. Jordan is an eminent lawyer, and, for many years, has been distinguished for his legal acquirements. He had attained to eminence in his profession before he left this county. He now ranks with the first class of lawyers in this state; he has, in fact, but few equals, in this or any other state. He is now doing a large professional business in the city of New-York. Columbia is proud of this distinguished son.

## JACOB RUTSEN VAN RENSSELAER.

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GENERAL JACOB RUTSEN VAN RENSSELAER was born at Claverack, in 1767, and died September 22, 1835, aged sixty-eight years. Mr. Van Rensselaer was several times elected to the legislature from Columbia county. He was in the assembly in 1809. He was again in the legislature during its session in 1812, and was chosen speaker. In February, 1814, he was appointed secretary of state of this state, in place of Elisha Jenkins, who was removed from that office. He was a member of the constitutional convention of 1821, and was an influential member of that body, and a frequent debater. He commanded a body of drafted militia that was called out in defence of the city of New-York, during the last war with Great Britain.

He was not only a distinguished lawyer, but he was an able statesman, and always took a conspicuous part in debates when he was a member of the legislature. He was the intimate friend and companion of Elisha Williams and William W. Van Ness: they were not only personal but political friends, and their political influence was greatly felt throughout the state. Between these men the greatest intimacy and friendship existed, which continued through life.

Only those who were intimately acquainted with General Van Rensselaer can fully appreciate his worth. He was distinguished for his liberality, his generosity and his patriotism, and was beloved by all that knew him, and he died bitterly lamented. His memory, with those of his friends, William W. Van Ness and Elisha Williams, will always be fondly cherished by the people of Columbia county; nor will their names ever die, as long as the archives of the State of New-York are preserved.

## NATHANIEL POTTER TALLMADGE.

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NATHANIEL POTTER TALLMADGE is another of Columbia's distinguished sons; was born on the 8th day of February, 1795, in the town of Chatham, county of Columbia and State of New-York. He entered Williams college, Massachusetts; remained nearly two years; then went to Union college, New-York, and graduated there in 1815. He commenced the study of the law in the office of General James Tallmadge, of Poughkeepsie, soon after he left college, and took his license in the supreme court in August, 1818. He formed a partnership with General Tallmadge, and continued with him till he was elected lieutenant-governor in 1825. In the fall of 1827, Mr. Tallmadge was elected to the assembly from the county of Dutchess, and was engaged in his legislative duties most of the year 1828, in the revision of the statutes. He was elected to the senate of New-York, in the fall of 1829; took his seat in January, 1830; continued till near the close of his term in February, 1833, when he was elected to the senate of the United States for the term of six years. He was reelected in January, 1840, for six years from the 4th of March, 1839; the legislature having failed to make an election in 1839. In September, 1844, Mr. Tallmadge was appointed by President Tyler, by and with the advice and consent of the senate, governor of the territory of Wisconsin. He immediately removed with his family to Wisconsin, and entered upon the duties of his office. He continued in that office till April, 1845, when he was succeeded by Gov. Dodge, who was appointed by President Polk. Since that time Mr. Tallmadge has resided on a farm about three miles from the village of Fond du Lac, situated at the head of Winnebago lake.

He was a distinguished lawyer and statesman, and has acted a conspicuous part in the theatre of politics.

## DANIEL BRYANT TALLMADGE.

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DANIEL BRYANT TALLMADGE was born on the 6th of April, 1793, in the town of Chatham, county of Columbia, and State of New-York. He pursued a classical course for some time, but did not have a collegiate education. He was for two or three years a teacher. He commenced his law studies in 1815, with the Hon. Charles H. Ruggles, at Kingston, Ulster county, and finished his course with Elisha Williams, of Hudson, and took his license in 1818. He pursued the practice of the law several years at Hudson, when he removed to the city of New-York. The conspiracy cases (as they were termed) of Jacob Barker and others, had just been tried, and the parties convicted, and some of them were already undergoing their sentence in the penitentiary. Mr. Tallmadge examined the case, and expressed an opinion that the conviction was illegal. He was sent for by those in confinement, and repeated his opinion to them. They sent for their counsel, some of the most eminent men of the bar, and they advised that there was no help for them, and that they must bear their punishment with patience. Not willing to give up while any hope remained, they again sent for Mr. Tallmadge and directed him to carry the case to a higher court. He went to the supreme court and suffered a judgment *pro forma* against them there; then carried it to the court for the correction of errors, where the judgment of the court below was reversed, and the parties set at liberty. This proceeding gave Mr. Tallmadge a high reputation as a lawyer, and he at once entered upon a full practice. He was appointed a judge of the superior court in the city of New-York, in the place of Judge Hoffman, deceased, and continued till the expiration of his term. He then returned to his profession, and pursued it with as much energy as the delicate state of his health would permit. He wrote a review of the opinion of the supreme court in the case of McLeod, which had produced a vast excitement throughout the country. It is published in the last volume of Wendell's Reports, with the approbation of the most distinguished jurists in the country. This review was the climax of his legal reputation. It was deemed at the time, and has been considered ever since, as

in effect reversing the law as laid down by the court. It was afterwards quoted by Mr. Webster, in one of his ablest speeches in the United States senate, as setting the law of the case in opposition to the opinion of the court. Mr. Tallmadge's health continuing to decline, he went to the south, and died on his return, at the city of Richmond, Virginia, in October, 1847.



## JOHN C. HOGEBOOM.

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JOHN C. HOGEBOOM, of Ghent, Columbia county, was born April 15, 1768, and died January 21st, 1840. He possessed talents of the highest order. Few men possessed equal native powers of mind; and he was a man of great sagacity and highly esteemed.

He was elected a member of the council of appointment in 1803, and has been a member of the senate of this state.

Mr. Hammond, in his "Political History of New-York," says: "I cannot write the name of John C. Hogeboom, without recording my testimony of the goodness of his heart, and the energy and vigor of his intellectual powers. He was a native of Columbia county, where he died. His education had been limited, but he was one of Nature's great men, possessing a sound judgment, and clear and discriminating mental faculties; ardent and indefatigable in advancing the interests and wishes of his friends, he was courteous and liberal towards his political opponents. He lived esteemed and respected, and died bitterly lamented by all, and especially by those who had the happiness of knowing him.

John C. Hogeboom is the father of Henry Hogeboom, who inherits the talents of his father. He is a distinguished and successful legal practitioner at Hudson, where he is doing a large professional business. Very few lawyers investigate a cause more thoroughly and effectually than Henry Hogeboom; he was born in the town of Ghent, February 25, 1809; he graduated at Yale college in 1827, and is an accomplished scholar; he studied law with Powers & Day, of Catskill, and completed his legal studies with Mr. Bushnell, in the city of Hudson. He was admitted to the bar in 1830, and was appointed first judge of the county of Columbia in 1832, at the age of twenty-three years. He retained this office but a few years, when he resumed the practice of the law. He was elected to the legislature in the fall of 1838, and was there during the session of 1839. He was a prominent democratic leader in the house of assembly while he remained a member. In the fall of 1849, he ran for judge of the supreme court against Judge Wright, and is now actively engaged in contesting the right of that illustrious individual to the seat he occupies.

## JAMES VANDERPOEL.

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THE Vanderpoel family, JAMES, JOHN and AARON VANDERPOEL, is a distinguished and talented one; they are sons of Isaac and Moica Vanderpoel.

JAMES VANDERPOEL was born in Kinderhook, January 10th, 1787. He was the eldest son. He was educated at the Kingston academy, Ulster county; commenced the study of the law in Kinderhook, in 1804, with Francis Sylvester, with whom he remained about six months, and then returned to Kingston, where he completed his studies with Suydam & Elmendorf, and was admitted to the bar in 1807 or 1808.

He commenced the practice of his profession in his native town in 1808, and continued a resident of Kinderhook up to 1832. In 1810 he was elected a member of the assembly, and was again elected in 1816, and also 1820. He was appointed surrogate of Columbia in 1812, which office he held for two or three years. During the whole of his early career, and indeed up to 1827, he was a federalist, and the intimate friend and associate of Van Rensselaer, Williams and others of the federal school; but in 1828, owing to the divisions and dissensions heretofore existing in the federal party, he became the candidate of the Jackson men for congress against James Strong, but was defeated by some thirty votes, the district having been strongly federal at the previous election. He was appointed judge of the common pleas of Columbia in 1824 or 1825, by De Witt Clinton, and afterwards circuit judge of the third circuit in 1831, by Gov. Throop. In the spring of 1832, he removed to Albany, where he continued to reside up to the time of his death, which occurred on the 3d of October, 1843.

In consequence of a paralytic attack with which he was seized in the autumn of 1837, he resigned his office of circuit judge in February, 1838, and from that time passed the remainder of his life in perfect retirement. The following notice from the Albany Argus of October 4th, 1843, was a fitting tribute to his memory.

"For many years prior to his appointment to the bench, Judge Vanderpoel had acquired a high reputation at the bar,

and was in public and professional life among the eminent men of Columbia county. As circuit judge of the third judicial district of this state, he was distinguished for learning, ability and promptitude; for rapid and clear sighted views of the law and the facts, as he was also in his intercourse with his fellow citizens, for all manly and honorable qualities. But if his public career was honorable and elevated, his domestic life was eminently beautiful. He was truly the venerated and beloved centre of a family circle that appreciated the great and good qualities that shed a lustre over his life, and sustained and cheered the long period of his illness. To all indeed who were allied to him by the ties of family or kindred, or who came within the circle of his friendship, he was an object of the highest respect and the warmest attachment. Six years ago, while in the discharge of his judicial duties, and in the vigor of an acute and matured intellect, he was struck down by paralysis, and from that period, surrounded by devoted friends, he may be said to have passed from the public world; retaining his clear faculties, and enjoying and participating in the society that shared his retirement. A second attack on Monday forenoon, after a brief lucid interval, terminated his life early yesterday morning, an event greatly and widely lamented. Judge Vanderpoel was in his fifty-seventh year."

The different courts then in session in the city of Albany, viz: the supreme court, the circuit court, the court of chancery, and the court of common pleas, adjourned on the announcement of his death being made; and the members of the bar attended his funeral in a body. The following notice of the death of Judge Vanderpoel, is from the Evening Journal of October 3, 1843:

"DEATH OF JUDGE VANDERPOEL.—The Hon. JAMES VANDERPOEL of this city, for many years one of the circuit judges of our state, died this morning at his residence in Elk-street. Judge Vanderpoel, while in the discharge of his judicial duties several years since, was prostrated by a sudden and severe attack of paralysis. From the effects of the shock he never recovered; and a fresh attack yesterday afternoon terminated fatally at five o'clock this morning. A large circle of sorrowing relatives and friends mourn his decease.

"At the opening of the circuit court this morning, Daniel Cady, Esq., announced in brief and feeling terms, the death of Judge Vanderpoel, and as a testimony of respect to the deceased, the court adjourned until to-morrow morning.

"Subsequently to the adjournment, a meeting of the members of the bar was held, John I. Wendell in the chair, at which the usual resolutions of condolence were adopted, and arrangements made to attend the funeral of the deceased.

"At a meeting of the members of the bar of the city and county of Albany, and others in attendance on the circuit court, in the circuit court room, at ten o'clock this morning, the meeting was called to order by Daniel Cady, Esq., on whose motion the Hon. John L. Wendell was appointed chairman, and Lewis Benedict, Jr., secretary.

"Samuel Stevens, Esq., announced to the meeting the death of the Hon. James Vanderpoel, and on his motion, it was

"*Resolved*, That the bar has heard with regret the intelligence of the decease of the Honorable James Vanderpoel, and sympathize with his relatives and friends in their bereavement. That in testimony of its respect for the station, talents and worth of the deceased, its members will attend his funeral in a body, and will wear badges of crape for thirty days.

"*Resolved*, That the members of the court of oyer and terminer, now in session, be invited to unite with the bar in their proposed tribute of respect for the deceased.

"On motion of Teunis Van Vechten, Esq.,

"*Resolved*, That the secretary send a copy of the proceedings of this meeting to the family of the deceased, and cause their publication in the daily papers.

"On motion of the Hon. R. J. Hilton,

"*Resolved*, That the secretary notify the bar of the time and place of their assembling to attend the funeral of the deceased.

"Albany, Oct. 3, 1843.

"JOHN L. WENDELL, *Chairman*."

"LEWIS BENEDICT, Jr., *Secretary*."

James Vanderpoel has one son, ISAAC VANDERPOEL, a respectable lawyer, now engaged in professional business in the city of Albany.

JOHN VANDERPOEL, a brother of James and Aaron Vanderpoel, is a distinguished physician at Valitia, in the town of Kinderhook, where he has for many years done and is now doing a large professional business. He is the father of S. O. Vanderpoel, of Albany, a young physician of high promise, who completed his medical education at Paris, and was there during the last French revolution.

## AARON VANDERPOEL.



AARON VANDERPOEL is a man of distinguished talents. He was born on the fifth day of February, 1799, in the town of Kinderhook, about three miles northwesterly of the village of Kinderhook, where he resided with his parents until 1802, when he moved with them to a farm about a mile south of North Chatham.

His common school education was acquired in the village of North Chatham, and at Valatie, and some portion of it in the village of Kinderhook. In 1811 he went to live with his brother James, in the village of Kinderhook, and there began his classical studies under Elijah Garfield, an excellent scholar and linguist, who is still successfully pursuing his profession. Joseph Montague succeeded Mr. Garfield as preceptor of Kinderhook academy, with whom he pursued his studies until May, 1814, when his brother placed him under the charge of Levi Gleason, a most celebrated teacher in his day, and then the principal of Lenox academy, then one of the best institutions of the kind in New-England. He remained at Lenox until February, 1815, when he returned to Kinderhook and pursued his classical studies under the direction and tuition of Peter Van Schaack, Esq., and his brother James, both of whom were admirable classical scholars. He continued to recite to them, but chiefly to Mr. Van Schaack, until the early part of 1816, when he commenced the study of the law in the office of his brother, the late Judge James Vanderpoel, in the village of Kinderhook.

He remained in his brother's office until May, 1820, when he was admitted to the bar, and immediately thereafter formed a professional connection with him in Kinderhook, where he pursued his profession (excepting the periods of his absence in the state legislature and in congress) until 1839, when he visited Europe, and on his return, finally located himself in the city of New-York, in March, 1841, which was the expiration of his congressional career. During all this time his practice was very large and lucrative, and he occupied a very prominent place as a counsellor and an advocate.

He was elected to the state legislature as member of assembly, in the fall of 1825, when twenty-six years old, and served

through the next session ; and was again elected in the fall of 1829, and served through the session which commenced in January, 1830. The published debates and proceedings of those sessions will show that he took a pretty prominent part in the business of legislation, laboring very faithfully as a member of various committees, as well as being a frequent debater.

He was six years at Washington, as a member of the 23d, 24th, and 26th congress. He took his seat in congress in December, 1833, and left it in March, 1841, on the coming in of the Harrison administration. He was elected in 1832, 1834, and 1838, representing a double district, composed of the counties of Columbia, Greene and Schoharie, which accounts for his not being elected to the 25th congress ; Schoharie, according to the rotation at that time, being entitled to the member, sent the Hon. Robert McClellan. His service in congress was during a period of most unexampled interest and excitement. The stringent measures growing out of the veto of the bill to re-charter the United States Bank, all originated soon after his first election, and agitated during his whole term of service, not only the national congress, but the whole country. During all this time, he was a firm supporter of the administration, having the full confidence of Presidents Jackson and Van Buren, of both of whom he was a warm personal as well as political friend. We need only refer to the files of the congressional debates and records of the proceedings, to see that he brought to the discharge of his duties during that period, the same energy, industry and ability which has characterized his life.

In 1841 he resumed his profession in the city of New-York, and in 1843, after a residence of less than two years, he was appointed one of the judges of the superior court of that city, and served in that capacity seven years, ending on the first of January, 1850. The first and second volumes of Sandford's Superior Court Reports, contain many of his judgments and opinions, pronounced during the last two years of his judicial service, and from them we can derive some idea of the great amount of labor he was called upon to perform, there then being but three judges in that court, (to whom three more have recently been added,) who were compelled to sit throughout the year, with a single month's vacation, at *nisi prius*, and at the general and special terms.

## PETER VAN ALEN.

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PETER VAN ALEN was another of Kinderhook's talented men ; and that town alone, it is believed, has produced more distinguished men than some of the states of this Union. He was an eminent lawyer, and possessed high talents. He emigrated to the State of Georgia, where he practiced law, and attained to great eminence in his profession. He was attorney-general of that state, an active politician and a statesman. He was greatly in the way of William H. Crawford, who aspired to the presidency, and was shot dead in a duel by that distinguished personage.

There are several more distinguished men that we have not yet noticed, born in the town of Kinderhook. Barent Gardenier was one of them. He possessed a genius of the highest order, and was an eminent lawyer. He was remarkable for his fascinating address, his brilliant wit, and for his eloquence. Shortly after he was licensed to practice at the bar, he removed to Ulster county, where he attained to eminence in his profession, and was elected to congress from that county. He was a man of quick perceptions, and was a very ready, able and eloquent debater. He was an ardent politician, and was a bold and fearless man. He was very frank in expressing his political opinions, and often came in contact with southern members of congress. He fought a duel with George Washington Campbell, of Tennessee, which originated in a quarrel growing out of congressional debates. Myndert Vosburgh was another distinguished lawyer born at Kinderhook.

## PETER SYLVESTER.

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PETER SYLVESTER of Kinderhook, the father of Judge Francis Sylvester, the man with whom Martin Van Buren studied law, possessed superior intellectual powers, and was a distinguished lawyer. He was also a politician. He figured extensively in the political world, and filled several important offices. He was a distinguished member of the senate of this state, and was elected a member of the first congress under the constitution. He was also first judge of this county.

We regret that we are not able to give a more perfect biography of this distinguished individual. We have named such offices as he has filled, that has come to our knowledge; but we are not sufficiently acquainted with his history to trace in a particular manner his progress.

Judge Francis Sylvester, a son of Peter Sylvester, was born at Kinderhook, July 22, 1767, and died January 31, 1845. He was a respectable lawyer, and he practiced law for many years in Kinderhook; and he was universally respected and beloved. His family connexions are extensive and influential, and his death was greatly deplored by a large circle of acquaintances and friends.

Mr. Sylvester was a delegate to the constitutional convention of 1821, and has filled other offices. Judge Sylvester has one son, Peter Henry Sylvester, a respectable lawyer. He has been for several years in the practice of his profession, at Coxsackie, Greene county, and has been twice elected a member of congress.



## JOHN VAN BUREN.

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JOHN VAN BUREN, the second son of ex-president Van Buren, was born in the city of Hudson, county of Columbia, on the 18th February, 1810. He was fitted for college principally at Greenville Academy, Greene county, N. Y. Mr. Huntington was then principal of that institution. Mr. Van Buren graduated at Yale College in 1828, and took his degrees with marked honors.

He began the study of the law with Benjamin F. Butler, late attorney-general of the United States, and completed his legal course with Aaron Vanderpoel at Kinderhook.

He was admitted to the bar in July, 1831. Soon after his admission, his father having been appointed minister to England, he accompanied him there. He also visited most of the European countries. When his father's nomination was rejected by the Senate, he returned with him to the United States.

After his return he commenced the practice of the law in the city of Albany, where he remained in the successful practice of his profession until the spring of 1848, when he removed to the city of New-York, where he is now actively engaged in professional business. He has a very extensive practice. In June, 1841, he married Elizabeth Vanderpoel, the daughter of the late Judge James Vanderpoel. She died, October, 1844, leaving one child, a daughter, named Anna.

He was appointed attorney-general of the State of New-York, in 1845.

He was employed by Governors Fish and Hunt to assist the Attorney-General in the important suits brought to test the validity of the patents of Livingston, Van Rensselaer, Clark, Hardenburgh, and others, in the counties of Columbia, Delaware and Albany. These suits involved important legal questions.

Mr. Van Buren is a man of a popular and pleasing turn of mind: he is warm and ardent in his attachments, and is faithful to his friends; his fidelity to his friends is a distinctive trait of his character, and he will stand by them under all circumstances. He revisited England in 1838, and was re-

ceived with marked attention by Queen Victoria. He was the centre of attraction amongst the highest and most polished European circles. He was for some time in Ireland before his return to this country, and every mark of high respect which generous strangers could bestow, were extended to him during his visit there. The son of the president of the United States, with this warm-hearted and patriotic people, was an object of peculiar regard.

Mr. Van Buren possesses genius and talents of the highest order. As a lawyer, he stands in the front rank of his profession; it is believed he has no superior of his age in this state, nor in this country. The writer had the good fortune to hear him for the first time during the anti-rent trials at Hudson, when he was attorney-general of the state, in the case of *The People versus Dr. Boughton*. He greatly distinguished himself on this trial: it was a protracted one, and created great interest throughout the country, and was noticed by European papers. It continued for more than three weeks. During all this time, the court-room was thronged with an immense crowd of spectators, the great legal fame of the counsel employed and the importance of the trial, attracted the attendance of the highest and educated classes of society.

Mr. Van Buren exhibited great tact, ingenuity and ability in the management of this cause, and succeeded in the conviction of the prisoner, although he was ably defended by Mr. Jordan. Many of the witnesses on this trial underwent a most severe and thorough cross-examination, and Mr. V. B. succeeded in eliciting the truth from some very unwilling ones, in spite of all their artifices to evade him. His address to the jury, for its ability, its ingenuity, and its adaptation to the occasion, has seldom been equalled by any man of any age in a court of justice. This effort won for him great applause.

Mr. Van Buren is a man of extensive and varied knowledge. He is not only a learned and profound lawyer, but he is an active politician and an able statesman. He possesses talents and acquirements that would adorn the most exalted stations.

The following extracts are from the New-York Atlas, of May 14, 1848. The writer is believed to be Eugene Casserley, Esq., the present editor of the Daily True Standard, published at San Francisco, California.

The writer says that "John Van Buren, as most readers of the Atlas are aware, is the second son of ex-president Martin Van Buren. The good old county of Columbia claims him for her child, and some of her best and stoutest Dutch blood is in his veins. He took his degrees with marked honors, at Yale College. Soon afterwards, he hung up his hat, as a student at law, in the office of Benj. F. Butler, (the present U. S. District Attorney,) at Albany. Under him and Judge Van-

derpoel, of this city, he completed his studies. Mr. Butler has always had the very highest reputation as a lawyer; and Mr. Van Buren did not neglect to avail himself of the advantages his office afforded. He laid then the foundation of that legal learning and ability, which have since so often stood him in good stead in important cases; when he maintained himself fully, before the highest tribunals of the land, against the transcendent powers and vastly superior experience even of Daniel Webster.

"He was but just admitted to the bar, when, his father having been sent minister to London, he accompanied the legation. He took the opportunity to see most of the European countries; when, his father's nomination having been rejected by the Senate, he returned with him, in 1832, to the United States.

"What results attended the partisan and intemperate course of the senate, is known to every reader. The nation, with one impulse, espoused the cause of the recalled minister; and a proscriptive majority in the senate, had the mortification of seeing their own act contribute to raise the object of their animosity to the highest office in the republic.

"From the date of his return with his father, Mr. Van Buren went back to his desk and his law books, and for several years pursued the practice of his profession with assiduity and success.

"During this interval, he visited England, in 1838, on professional business. His position, not more than his personal accomplishments, gave him at once the *entree* into the most exclusive circle in the world. The young republican was the lion of a whole London winter. The proud men and women of a proud aristocracy were disarmed in spite of themselves, by a manner and breeding as perfect as their own. His success at court was regarded as a sort of social phenomenon, and furnished more additions to the city gossip of the papers in London and this country, than an event of state importance. Democracy, his nursing mother, might have feared for her child, when she saw him the object of such blandishments and graces—the centre of the favors and honors of the first court in Europe. But, he was of higher mould than that. He was reserved for greater things.

"Before his return, he spent a considerable time in Ireland. The generous hospitalities of a warm-hearted people were lavished on the son of a democratic president of the United States, and, in more than one city, he was constrained to decline the honor of a public entertainment.

"Considerations of obvious prosperity connected with his father's public relations to the democratic party, and subsequently an irreparable domestic affliction (the death of his wife), kept him in comparative retirement until about 1845.

In that year, the long-growing feud between the two sections of the democracy of this state, the 'hunkers' and 'barn-burners,' or conservatives and radicals—which had been smothered for a season, by the absorbing struggle of 1844—broke out with violence. The election of attorney-general, for three years, was made the *cheval de bataille* between the two divisions. Mr. Rufus W. Peckham, of Albany, was the candidate of the 'hunkers;' and Mr. Van Buren, of the 'barn-burners.' After a hot struggle, Mr. Van Buren was nominated in the caucus by a majority of *one*; and subsequently appointed by the legislature.

"From that hour, he was 'before the people.' On him the 'barn-burners' achieved their first victory in the party. Yet, it was not till afterwards that he displayed those qualities which have made him their unquestioned champion and leader in the state.

"His career as attorney-general was distinguished by a skill and ability, in his profession, for which few, even of his friends, were prepared, and which gave him at once a very high position at the bar of New-York. Some of his prosecutions, of the anti-renters, and of the negro Freeman, at Auburn, were master-pieces of legal science and power."

The writer also alludes to the New-Scotland affair. "All Albany," he says, "was there, and Mr. Van Buren among the rest. But who was right and who wrong in that memorable collision between barn-burners and hunkers, the young democracy and the ancient regency of Albany, it is not our province to decide. It was an important convention to both parties, and it must be admitted that it was carried by the barn-burners."

The writer also remarks, "that it needs, they say, a great occasion, to develop a great man. Such an occasion was near at hand for Mr. Van Buren. While Silas Wright lived, his commanding personal strength and character gave the 'barn-burners' a hopeless advantage over their opponents. His sudden death, while it disheartened the former encouraged the latter to make a desperate struggle for their lost ascendancy in the State. A convention was to be held at Syracuse in September, 1846, to nominate state officers, under the new constitution. The 'hunkers' strained every nerve to carry it. The 'barnburners' did not awake to their danger until too late. The doings of that convention produced results too extraordinary in the state to be soon forgotten by our readers.

"If it was a memorable era in the history of the democratic party, it was not less so in the career of Mr. Van Buren. It was a convention of distinguished strength and talent. The master-spirits of both parties were among its members—Barker, and Cambrelling, and King, and Grover, and Rathbun, and Field, on one side; and, on the other, Brady, and Seymour, and Stryker, and Peckham and Litchfield. The very

flower of the democracy was there. To be an equal among such men was an honor. But, in the heat and press of the struggle, John Van Buren, like the Grecian king at Troy, stood whole head and shoulders above them all. He was rejected as a delegate, by the convention. That was not much to him. He was too great a quarry for the 'hunkers' to let him slip, once they had him in their toils. That convention brought him out, for the first time, in his native power of intellect and force of will, and made him at once the foremost man of his party in the state. His speech, in his own case, was irresistible in its argument—in its invective, tremendous.

"It was a complete and signal triumph for Mr. Van Buren; and as unexpected as it was signal. A few men had known him as a strenuous and uncompromising radical. Most men remembered him simply as the son of a president—a young man, rather ornamental than useful—the "Prince John," in short, of the London gossip; smart, good-looking, and well-bred, with rather a narrow escape of being a dandy. Not six men in the state were prepared for the powers he manifested at the convention. Like the Irish rebellion, he broke out forty thousand strong, when no body expected it.

"Thenceforward, his career has been sufficiently direct and decided. He seems to have felt that, for him, the rubicon had been passed. He came at once into the contest, with a heartiness and a vigor which, while it attached his party to him more firmly than ever, and established him in the leadership, in the same degree embittered his opponents.

"His speeches at Albany (directly after his return from Syracuse,) and at Herkimer, were marked by a boldness, a point, and an eloquence unknown in the political contests of the state. He did not hesitate to avow that he would not vote "the Syracuse ticket." With invective that overwhelmed, and sarcasm that cut to the bone, he assailed the candidates on the ticket, the men who made it, and all who supported it. He aroused the whole state. Every blow told. For weeks, he employed the entire 'hunker' press of this state in parrying or returning his attacks. He made himself felt even at Washington. He rose to a position of the first importance, not only in the state, but in the Union.

"His latest speech, at Hudson, before the Columbia county convention, if less pungent than those at Syracuse, Albany, and at Herkimer, is considered, by many, as his best effort. As an exposition of radical democracy, and its doctrines, especially in the great and difficult question of the Wilmot proviso, it is most able; nor is it wanting in pungency. Here and there his native edge would bite through. For instance, a passage, which is said, by all who heard it, to have produced the greatest impression, and which is not in the published report of his speech. Speaking of the prevailing tendency of

the young men of the day to be 'barnburners,' and its effect on the relative position of the two sections, within a few years, he said :

" 'Wherever I go, I see a new race of men, between twenty-one and thirty, pressing forward into political life in the republican party. I find that, almost without exception, they espouse with warmth and vigor the doctrines and the cause of the radical party. If I were a conservative, as I am not—to see these young shoots springing up all around me, would make me feel as I could fancy a dead man would feel if he could see the grass growing over him.'

"It is in illustrations like this—plain, direct, and keen, which go home to every man's breast—that one power of his eloquence lies. His hits are 'most palpable' to every body—especially to the unlucky objects of them.

"Mr. Van Buren is now about thirty-five years of age—in the bloom of his manhood and intellect. Since William H. Crawford was hurried into a too early grave, no man, at the same age, has enjoyed such a position before the country. Of course, he has enemies—many and bitter. That is a part of his character. But he has troops of friends, devoted, enthusiastic, and efficient. Among the young men of the state, without distinction of party, his popularity is unbounded. They are proud of his courage, his talents, and his unswerving loyalty to his friends. In this last quality, he is a genuine chip of the old block. Singularly unlike his father in many of his prominent characteristics, he resembles him in his fidelity to his friends. That, he carries to the utmost. He never shrinks from them, though, to stand by them, is certain ruin. His friendship has, in that respect, the devotion of the deeper feeling, of which the poet says—

"Through the furnace unshrinking, thy steps I'll pursue,  
And shield thee, and save thee, or perish there, too."

The elements of popularity in his character are not merely of a public nature. In common with all that have ever distinguished themselves as popular leaders, he has the happy faculty of attracting equally all classes of men, in public or in private. He is the life of the social circle; the wine does not sparkle brighter; and his is the joke that is sure to set the table in a roar.

"His style of speaking is strongly marked. Endowed by nature or education with a coolness and self-possession that are imperturbable, and, at times, perfectly superb, he has a habit of saying his most bitter things without apparent effort, and as if unconsciously. With the smoothest voice and the blandest air, he drops sarcasms and invectives that rankle forever. This is one quality that makes him unequalled in debate.

"His personal appearance is striking. He is tall and slender, with a stoop not ungraceful in one of his height, and a gait which, like his sarcasm, is as unstudied and spontaneous as possible. The head, however, is the man. In any company (uncovered) it would strike the most careless observer. It is perfect in its way, and is a type of its class. The features small and finely formed—the quick, well-cut nostril—the clear, keen eye—the firm upper lip: it is, altogether, a face and head full of rare beauty and expression."

## ABRAHAM VAN BUREN.

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ABRAHAM VAN BUREN is the eldest son of ex-president Van Buren. He was born at Kinderhook, in the county of Columbia, and state of New-York, November 27, 1807. He received his preliminary education at Greenville academy, Greene county. He graduated at West-Point Academy in 1827. He married Sarah Angelica Singleton, of Sumpter district, South Carolina, by whom he has three sons. He was first aid to General Macomb, while he was general-in-chief commanding the United States army. He served in Florida with General Scott, as his aid.

He resigned his situation in the army in 1838.

In 1844, he was appointed paymaster in the army by President Polk.

Mr. Van Buren served throughout the entire Mexican war. He acted as volunteer aid to General Taylor at Monterey, and in other engagements. He joined General Scott at Vera Cruz, and acted as his volunteer aid in every engagement up to the taking of the city of Mexico. His rank is Major.

He now resides in the city of New-York, and is paymaster in the army.

He was brevetted a lieutenant colonel "for distinguished and meritorious services at Monterey and Churubusco." He was also favorably mentioned in General Taylor's official report of the battle of Monterey, and the official report of General Scott, of the battles of Cerro Gordo and Churubusco. After the battle of Churubusco, and after the armistice was proclaimed, he was selected by General Scott to accompany Mr. Trist, who negotiated the treaty of peace, an officer of the army being requisite for that purpose.

It will be perceived, on reviewing the important services rendered the country by Mr. Van Buren, that his has been a distinguished career. He is a man of unquestioned courage and military skill, as instanced not only at Monterey and Churubusco, but on various other occasions.



## APPENDIX.

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### SPEECH OF ELISHA WILLIAMS.

The following is the speech of the Hon. ELISHA WILLIAMS, in the causes of

Elisha Jenkins *vs.* Solomon Van Rensselaer.

Solomon Van Rensselaer *vs.* John Tayler.

The same *vs.* Charles D. Cooper.

The same *vs.* Francis Bloodgood.

The affray which gave rise to these suits took place at Albany, on the 21st day of April, 1807,—a few days previous to the general election. The actions were commenced in the Supreme Court, and, by consent of parties, referred to SIMEON DE WITT, Esq., Mr. JAMES KANE and Mr. JOHN VAN SCHAAK, as arbitrators, and was tried at Albany in August, 1808.

ABRAHAM VAN VECHTEN and JOHN WENTWORTH, Esqs., were associated with Mr. WILLIAMS, as counsel for Mr. Van Rensselaer, and THOMAS R. GOLD, EBENEZER FOOTE and JOHN CHAMPLIN, Esqs., were opposed.

The great importance of these controversies to my client, as they respect his feelings, his property, and his character, is the only apology I shall offer to you, gentlemen, for the observations I am about to submit. The high confidence reposed in you, (who are selected by the parties themselves,) may be more finely expressed by the opposite counsel, but cannot be more sincerely felt than by ourselves. Nor, gentlemen, can a more sure and ample pledge of your ability, candor and integrity, be required, than that which you have furnished, in the patience and impartiality you have displayed through the tedious details of this unprecedented investigation. These considerations, inspire a confidence that the few observations I shall now submit to you, will be attentively heard and duly appreciated.

The opposing counsel have confined their observations to the transactions of that unfortunate day, when, on the one hand insolence and insult were justly chastised, and when on the other, unbridled rage and brutal violence finally triumphed in the destruction of a patriot and a soldier. They have described General Van Rensselaer as the baleful star, which arose in the morning, and produced and justified all the fatal excesses and crimes perpetrated throughout the day. Upon this theme, they have poured forth torrents of declamation, and evinced all the fiction, all the "melancholy madness," if not the inspiration, of poetry.

But, gentlemen, I must beg the favor of you to travel back with me to an earlier period—to examine the causes, which produced the misfortunes of that unhappy day. And if, in this examination, we find that the political

elements were in violent commotion, prior to that lamented day—if we find that the machinations of the evil genius of our country, had prepared all things for an explosion—if, in fine, we find “the hand of Napoleon even in this thing,” let us hear no more of “the baleful morning star,” and its baleful mid-day influence. Rather let the guilty authors of those horrid transactions, those incendiaries, who, to gratify an unholy ambition, dared to attack and stigmatise the fair fame of a soldier—to torture his honorable feelings with the most unfounded calumnies, until at length they compelled him to raise his arm in defence of his injured character—let these calumniators be dragged before the public, and let them feel from your hands, gentlemen, the punishment which their dastardly conduct merits.

What, then, is the real cause of all these outrages—where and when did they commence—and by whose hand was the fatal apple of contention thrown among these parties?

It had pleased Mr. Edmund C. Genet, by some means, to procure from a Mr. Nicholas Staats, an affidavit, deeply impugning the character and conduct of the Adjutant-General. The Adjutant-General, then not suspecting the dark and extensive system which had been planned for the destruction of his character, accompanied by his aged father, called on Staats for an explanation of his affidavit. He was referred to Genet, whose bureau, it seems, had now become the grand arsenal, whence were to be drawn all the political weapons and democratic ammunition which the approaching contest might require. Staats, acknowledging the errors which his affidavit was calculated to propagate, declared to the General that he had long refused; but finally was prevailed upon to swear, by the incessant and pressing solicitations of Genet; and, at the same time, referred him to the Citizen for an inspection of his oath. The General and his father then repaired to the house of Genet—there it was that the offensive observations were made which are detailed in the affidavit of those gentlemen. There it was, that this Frenchman painted the power, the designs and the intentions of the Corsican tyrant:—“Bonaparte, he said, had now disposed of all his European enemies, excepting England and Russia. They soon would fall before his power; and then, if America did not treat him with more respect, she must expect that chastisement which his imperial master had never failed to inflict upon national insolence and national impudence, foolishly styled national independence.” These, gentlemen, were the observations which my client and his aged father felt it their solemn duty to submit, under their oaths, to their fellow-citizens.

In this were they wrong? Did they violate any rule of justice, any principle of honor in this procedure? No. It was a public conversation—nor, with a semblance of truth, can it be said, that any confidence was violated. Nay, gentlemen, had they concealed it—had they failed to give it every degree of publicity in their power, then indeed might they justly have been charged with treason against the independence of their country. Who was this man, who menaced our country with the vindictive power of Bonaparte? A Frenchman! a man who, from birth, from education, from habit, and, perhaps, from principle, was well calculated to subserve the cause of his imperial master. A Frenchman, by birth, by education—a very Talleyrand in all the mysteries of political intrigue; allied, extensively, to the leaders of the triumphant party; his influence almost unbounded over that party; this

man now stood forth the commander in chief of the republican forces of the northern department. To awe the federalists into silence, when art and intrigue, when calumnies and affidavits had failed, he now, as the dernier resort, brandishes over their heads the powers and the vengeance of his imperial master.

Gentlemen, conduct like this is not new in the annals of the French nation, for the last twenty years. Look at all those miserable countries which France has deceived, betrayed, revolutionized and conquered, and you will find the same means in full operation. Not a nation but has been first corrupted by the emissaries of the tyrants of the terrible republic. And if patriots have resisted the ruin of their liberties—if they have detected and exposed the delusions, the deceptions of their enemy, then have they invariably been menaced with the vengeance of the tyrants of the world. But, gentlemen, these emissaries, who in every form, spread like locusts through every country, have always been able to delude and lead astray the majority of the people. They corrupt the presses, the very sources of information. They flatter the ignorance, the prejudices of their intended victims—they wrap around them the glittering robes of liberty, which veils a thousand deformities—they become the friends of universal liberty—the genuine defenders of the rights of man—they represent France as engaged in the great cause of philanthropy and liberty. They constantly, and through a thousand channels, pour upon the people whole floods of high sounding terms and metaphysical jargon, and thus they succeed in bewildering the judgment, and corrupting the integrity of millions. In this seductive form, they have constantly proffered their accursed principles to the world; and on the eastern continent, nation after nation have “drunken the medicated draught, nor dreamed of the lurking poison, until, racked by convulsions, they awoke to expire!”

Gentlemen, are not these facts established beyond the power of controversy? Do you not already perceive, even in this our native country, that this sentiment, which, when first expressed by Genet, was deemed so infamous as to call forth its condemnation from the united suffrage of the party, is now heard with approbation? Yes, it now passes current for sound republican doctrine; and the very thoughts and sentiments then first broached by Genet, are daily ushered into public, through the columns of the *Boston Chronicle*, the *Baltimore Whig*, and even *Col. Duane's Aurora*, with the silence, at least, if not with the approbation of the republican party. With a full knowledge of all these circumstances, gentlemen, let me now ask to whom were these insolent menaces uttered? To Gen. Van Rensselaer—an old and faithful servant of his country—an officer of the revolutionary army—who had little left but his honor and his wounds, to entitle him to the notice of his country; and to his son, the first military officer of the state. These American officers heard this language from a Frenchman, with that indignant spirit which should ever inspire the defenders of our country.

They were bound by every principle of honor and virtuous patriotism, to caution their fellow-citizens against the intrigues and principles of a man, dangerous from his connections and his influence. They felt the full force of the obligation, and their affidavits came before the public, supported by the oaths of M'Donald and Rockwell, in whose presence Genet had made similar declarations.

The federal meeting, referring to the affidavit, and extracting the paragraph, express of Genet, his sentiments, and his political conduct, their warmest abhorrence. In the estimation of certain gentlemen, who styled themselves republicans, it became important to clear their northern manager from the imputation of sentiments and designs so detestable, and then so unpopular. But how was this to be effected? Two American patriots—two gentlemen of unblemished character, had, by their oaths, convinced the public of their truth. To remove that conviction, the most violent and imposing measures must be adopted. First, Genet must be called on to deny the assertion of those gentlemen. He, however, declines making his affidavit. He surveys himself with all the complacency and pride of conscious greatness, and asks “shall I, who but yesterday a great minister of the terrible Republic; who assisted in the production of a revolution which has wholly overthrown the land-marks of civil society—shall I, who, with impunity, attacked the character of the god-like Washington; who appealed from the constituted authorities of this country, to the populace, and shook to their very center the government and constitution of this Republic—shall I, who sanctioned in my own country all those principles which finally mingled in one mighty ruin the throne and the altar—shall I, who even now bask in the dazzling glory, and greatness of Bonaparte—I, who am *myself* a Frenchman—shall I, stoop to kiss the Gospels of God to sanction what I publish? No. Two American Officers have sworn to a fact. Singular indeed must be the state of the republican mind, and all my efforts and intrigues must have wholly failed of their wonted success, if the very troops I command, are not yet prepared, upon *my word of honor*, to pronounce those officers guilty of perjury.” Gentlemen, was he mistaken? Not at all. As though inspired by *his* genius, a *republican* meeting was called at the seat of government: a *ci-devant* republican secretary of state, descended to the rank of a republican secretary of this electioneering convention. This universal secretary, introduces to this meeting, a resolution substantially adopting the assertion of his manager, as truth, and substantially declaring that General Van Rensselaer was guilty of perjury. Yes, gentlemen, an officer of our government, dependent upon his superiors, if not upon Genet for a future salary, thus descends from his high station, to become the propagator of the basest slander. But he did not stop here. Not contented with this private blow at the character of the General, he steps forth into the gazettes of the day, and sanctions by his name and his official character, the basest slander that ever transpired. That this name gave a character, weight and deadly influence to this calumny, which it never would have derived from ten thousand anonymous publications, is not to be disguised.

Much has been said of the character, the exalted standing, the extensive influence of the secretary. We admit them all. But surely in proportion to that character, standing, and influence, when he gave his name to the propagation of the slander, he inflicted a wound upon Gen. Van Rensselaer's character more deep and deadly. And in the same proportion, was the injury he inflicted and the crime he perpetrated, more aggravated, more destructive. And here, gentlemen, let it be remembered, that Gen. Van Rensselaer was not a volunteer before the public. He was drawn out in self-defence against the foul aspersions of Staats, upon whom Genet had prevailed to swear to conversations implicating the General's reputation. He was not

the first "to cheapen oaths," by making voluntary affidavits. No. This very citizen Genet, who afterwards disdained to swear to a suspicious statement, he was the man, that first induced the attack in the form of an affidavit. How, then, can his advocates indulge in declamation against Gen. Van Rensselaer, for the course he adopted? Away with all this French mummer—this squeamishness of "cheapening oaths." They are observations which should blister the mouths of the advocates of the man, who imposed the painful duty on my client of repelling with his oath a base and insidious slander, to which Staats had been made to swear.

But it is now denied that Mr. Jenkins referred at all to the affidavit of Gen. Van Rensselaer. He referred, say his counsel, only to the resolutions of the federal meeting. Gentlemen, if those resolutions were before him, the marks of quotation therein used clearly demonstrate from whom the extract was made. If the public papers of the city were before him, the affidavit itself was under his eye. If in short the denial, the *word of honor* of Genet was before him, then he was referred to the affidavit, and then all pretence of not referring to the general's affidavit, while he cites its language with such scrupulous exactness, must appear a hollow pretence and a puerile evasion. I disdain to spend another moment in exposing this weak subterfuge of conscious guilt.

What grounds then, gentlemen, had Jenkins to publish to the world a charge of perjury against Gen. Van Rensselaer? Is his veracity questionable? Is the story improbable? Is there any opposite testimony? On the contrary, he is fully supported by three witnesses of unimpeachable veracity. Yet, says Mr. Jenkins, I believe these gentlemen guilty of perjury, because Mr. Genet denies the charge. I believe his naked assertion though opposed to the oaths of four American citizens, characters above suspicion. But why believe Genet? Because "this meeting have uncontestible evidence of his attachment to this country." And where is that evidence? Is it to be found in the calumnies which he heaped upon the immortal Washington? Is it to be found in his early attempts to drag "this country" into the wars of Europe; in his efforts to involve us in all the horrors of the French revolution? In the insults which he profusely dealt out to our firmest patriots? Or is it to be found in those wretched remnants of jacobin clubs which *alamode de Paris* he scattered through the continent? Where is it to be found? What exploit for American independence exists of which he is the author? What monument of patriotism, of bravery or of wisdom will remain to tell posterity even that he ever existed? You search in vain! Not so my honorable client and his venerable father? The one even in youth a veteran. The other long a faithful servant of his country both in the cabinet, and in the field. Let them bare their scars, those honorable testimonials of their long and faithful services to their native country; and to them let this adopted citizen boast of his warm attachments to our Republic.

● But the meeting further say Genet had married into a respectable family—that he has several children—that he had been naturalized and, was the purchaser of real estate. I dispute not the respectability of the family with which he is connected. But if this consideration is to affect the question, I ask, from what family has my client descended? Search the annals of the state, and you will find from its earliest settlement that family has never ceased to be honorable. The children of Mr. Genet, I grant, are conclusive

evidence of the soundness of his constitution; but by what species of necromancy the secretary could drag them in to bolster the veracity of their father, is wholly unknown to me; nor can I perceive in what manner his naturalization and property can be applied, either to confirm the denial of Genet, or to prove the perjury of Van Rensselaer.

If Mr. Genet was naturalized, I admit he was entitled to all the political privileges which the directors of this "asylum of oppressed humanity" have determined to extend to emigrants from Europe. But I would humbly submit, whether the citizen, or any other emigrant, has any claim to a credit superior to that of the native citizens of our Republic. Gentlemen, all these pretences are straws at which counsel will ever grasp, when sinking in a flood of absurdity, and behold no chance of escape. Had they not been dwelt upon in the resolutions, and supported by the very respectable counsellor, in opposition, I should have deemed them scarcely worth a comment.

Gentlemen, you will perceive that I have treated the resolutions of the democratic meeting implicating Gen. Van Rensselaer's character, as the act of Mr. Jenkins. We do not deny to any man or number of men the privilege of canvassing on the eve of an election. But we deny that any political club is justified in greater liberties with individual character, than is permitted to individuals of that club. We deny that any individual of the meeting who promoted the circulation of the slander, is to be at all protected because others joined with him in perpetrating the outrage. And, above all, we deny, that a man who gives his name to the public in support of a calumny, who, thereby, gives it force, and form, and durability, can skulk from the responsibility, behind that portion of the populace, whom he might prevail upon to sanction the transaction. Wherever, then, the vile tale originated, whether in the wily brain of a foreigner, or whether in a motley concourse of electioneering dependents, Jenkins adopted it as his own. He placed it on lasting record. He attempted to hand the name of my client and his aged father down to their posterity, covered with the deepest infamy. Is he not then answerable for his conduct? As a gentleman, can he wish to avoid responsibility? Does he attempt to shield himself from responsibility behind the political puppets, whom he collected and danced before the public in Albany? For his own honor, gentlemen, let him disavow attempts, so weak, so degrading. Let him step boldly forth, and in the character of a man, tell you, "If I have injured General Van Rensselaer, here I am to answer him." Let him disdain longer to keep a position so humble, so disgraceful, as is that in which his counsel have placed him. It is strongly insinuated, however, that, as a soldier, General Van Rensselaer was bound by the "code of honor" to call his antagonist into the field, and wash away the injury with blood. Gentlemen, he might have called him; and so might he have "called spirits from the vasty deep." Not that I would insinuate ought against the personal bravery of Mr. Jenkins. But this is certainly true, that Van Rensselaer, who had sought a personal interview the preceding day, could hardly expect that this gentleman, who had promised to see him, and had falsified his promise, would now reproach him with any violations of the rules of honor. And here, gentlemen, permit me to correct the opposing counsel, who seem to suppose that Schermerhorn was directed by Van Rensselaer to conceal his name from Jenkins. He did not. The measure was adopted by Schermerhorn, as he says, because he believed it the only course to procure a

personal interview between the parties. That Jenkins knew the person who sought the interview was Gen. Van Rensselaer, is perfectly obvious, by the testimony of Mr. Spencer. Why then did not Jenkins comply with his promise to Schermerhorn? This he might have done in the presence of his friends. And if he was unconscious of having inflicted intentional injury, he could have feared no personal violence. Gentlemen, if Jenkins could have uttered the language which his counsel now utter for him, would he not have met the General and have said to him—"It was not my intention to question your veracity—I did not allude at all to your affidavit. I only referred to the proceedings of the federal meeting." Such an explanation (if founded in truth,) would as readily have been offered as accepted as satisfactory by any man of honor. This, gentlemen, Jenkins did not do. With truth he could not do it. No—he well knew that he had inflicted upon Van Rensselaer a wound which apologies could not heal. He had declared to the world that the General and his father had incurred the moral guilt of perjury—that they had severed the chain which bound their consciences to truth and to heaven, and had become richly entitled to temporal and eternal infamy and wretchedness. What, then, could General Van Rensselaer do? Insulted in the grossest manner—wounded in the tenderest point, and doubly wounded by the attack upon his aged and defenceless father; denied the possibility of access to Jenkins; goaded almost to madness by the conduct of his adversary, he determined to chastise and disgrace the man who had wantonly and in cool blood aimed the dagger at his reputation; and who when called on for a personal interview had promised it, but had basely forfeited his promise.

This he did. And now gentlemen let me ask, was the chastisement disproportionate to the offence? I do not contend that the provocation, high and aggravated as it is, furnishes a legal justification of the assault and battery. But it must reduce the damages to a point, merely nominal.

That Jenkins expected (as he knew he merited) the chastisement he received, is evident from his language to Spencer—that he knew of the attack, is evident from the testimony of Miss Steele, of Eaton, and of several other witnesses; for when he beheld the man he had injured in pursuit of him, could he doubt his object? It is also evident from the conversation that succeeded the affray. When Van Rensselaer declared that he had given him notice prior to the blow, he did not at all deny the truth of the assertion. But above all it is evident from the character of the assailant. Strong and conclusive, gentlemen, must be the evidence to convince any one, that a man of acknowledged honor, bravery and humanity, like Gen. Van Rensselaer, could act so contrary to all his principles and his habits.

There cannot be a doubt then, gentlemen, that Jenkins beheld Van Rensselaer in pursuit of him, heard his call, and expected the attack. That Van Rensselaer was his superior, both in activity and resolution, and that he easily inflicted the chastisement he intended, we admit. And if we are to give any credit to the towering flights of the counsel, a scene followed in which more blood was spilt than flowed at the battle of Trafalgar. If the counsel are correct, poor Mr. Jenkins was beaten to a very mummy—his joints were dislocated, his bones broken, his features all disfigured, and he exhibited to the astonished citizens a spectacle to dissolve the marble heart of the veriest savage.

This, gentlemen, is a doleful picture; but unfortunately it has no original. What is the evidence? While Jenkins was down and in Van Rensselaer's power, he did to be sure inflict several blows; but in a part where most it would wound his honor and least endanger his life or limbs. He then voluntarily retreated, and Jenkins rose and retired. Van Rensselaer did not pursue him. He chose the manner best calculated to disgrace him, to punish him for his insulting and injurious conduct to himself and his father. You, gentlemen, as men of honor, who know and duly estimate the value of reputation, who can feel the situation of a man unjustly and vilely calumniated, you will fully examine the offence and the provocation, and you will say, whether Jenkins did not merit, richly merit the slight chastisement he received from the man he had wantonly injured.

I come now to the causes in which General Van Rensselaer is plaintiff. And, gentlemen, in the very threshold we are met by a sort of justification interposed by the defendants, generally, not a little singular.

The argument of the opposing counsel is in substance this. To my client they say, "you, sir, in the morning, broke in pieces the shield of the law. You therefore demolished all legal protection, and became an outlaw through the day. Upon you as upon Cain of old, was fixed a mark, and any that found you might kill you." Really, gentlemen, I am disposed to allow much for the difficulties with which the counsel are forced to struggle. And much for that peculiar horror which their ingenious minds must have experienced when they were forced to enter upon the justification of a transaction so savage and flagitious. But this is a stroke so bold, so utterly at random, as to surpass the bounds of charity itself.

If General Van Rensselaer had committed a breach of the peace in the morning, it might well operate as a warning against all similar excesses for the day. But by what principle of common sense, reason or law it could justify or extenuate subsequent outrages—outrages, too, so enormous and bloody—is wholly beyond my power to conceive. Nor can I devise any legal or rational connection between the morning chastisement and the savage excesses in the afternoon.

But by what authority did these defendants become the avengers of Mr. Jenkins's wrongs? What connection exists between them and Jenkins? Not that consanguinity which, among savages, entitles to vengeance. None but a political connection has been disclosed. And has it come to this? If, insulted and injured in the grossest manner by a man who refuses me every other satisfaction, I chastise and disgrace the insolent poltroon; and if he happens to be a republican, has every member of that fraternity a licence to grasp the cudgel, feel himself injured, and offer me personal insult and violence in the street. Gentlemen seem to suppose that when Van Rensselaer presumed justly to punish a man bearing the sacred name of republican, it was war *de jure* with the whole tribe of Democracy. Nay, not content with this, they declare it a war of extermination, a war which would justify the tribe even in the vilest attempts at assassination. If, gentlemen, this triumphant tribe have arisen superior to the law as well as the constitution; if to gratify their passions, all the sacred principles of justice, equity and law, esteemed so sacred and inviolable by our ancestors, are to be trampled under foot, then this high claim may have some foundation. But if we are "brethren of the same family," and law and justice rise superior to the political



squabbles and clubs of the day, then a weaker or more ridiculous extenuation of an outrage, never was attempted.

Permit me, gentlemen, to call your attention to the case of Tayler alone.

We are here charged with several offences. First—after the affray with Jenkins, Van Rensselaer *insolently* walked the streets; went to the tavern where his horse was; and to the post-office for his letters. And pray, why should he not walk the streets? After caning a man who richly merited it—who but a tyrant would attempt to prevent it, and who but a madman would question his right.

Again, it is said *he sought Tayler*. This is not true; for, had he sought him; when in full view of Lewis' he stood upon the side-walk on the direct course to the post-office, would Van Rensselaer have passed to the opposite side of the street, and on his return have entered upon the south side-walk below him? 'Tis incredible. But "he did not run, when Tayler called him d—d rascal and assassin." No, he did not run from Tayler. He never did turn his back upon an adversary, and I trust in God he never will. These, gentlemen, are not the General's habits. His conscience and his feelings never taught him this resort of cowardice.

This Judge Tayler is a grave, wealthy, senatorial father of the city, whose presence might arrest the arm of the pugilist, quell a mob, or hush a riot; whose staff, like the trident of Neptune, could in an instant settle all the waves of commotion, and preserve order even among the elements of anarchy. Mr. Hutton, in the true character of a christian, which he ever sustains, exhorted Judge Tayler to use his influence to prevent any further excess. This gravely and repeatedly he promised. While yet these promises are upon his lips, a messenger arrives at his door. The Judge is no rude man; yet, sans ceremony, he leaves his friends. What powerful motive impelled him? Possibly he heard that General Van Rensselaer was *insolently* walking the street. Vengeance ran rasping through every vein. The grave mentor, the venerable father of the city, grasping a bludgeon in his hand, while his eyes beamed meekness and complacency on his friends remaining within his own walls, rushed forth to gratify his malice, and to wallow in revenge.

The age of Tayler may have dimmed his sight; but, when the name of Van Rensselaer is pronounced by Mr. Rogers, he instantly drops the arm of his friend. Even the frozen blood of the grave old senator boiled like *Ætna's* crater; and the first words that issued from those lips that so lately, sweetly promised *peace*, were "*you d—d rascal* why did you, like an *assassin*, attack Jenkins?" In what "*code of politeness*" do the opposite counsel find a warrant for the venerable Judge for the use of this language? Tayler, with cane uplifted, rushed to the conflict, and my client did not run. "Ergo, (say the gentlemen,) they fought by mutual consent." Let me not disturb this logical conclusion, but frankly admit, that my client never would have troubled you with this suit against Tayler, had he not reason to believe that by his procurement, the mob was drawn to the scene of action, with intention to permit the Adjutant-General to depart with his life, and with that only.

What is the evidence of preconcert?

Tayler's house *happens* to be the rendezvous of many of his friends. Tayler repairs to the market to purchase provisions, which he *happened* to forget to bring or order home. He whispered to the Cassidys. One of them im-

mediately after Tayler left the market, with a club drawn, from some republican arsenal, *happened* to appear at the scene of action.

The younger Cassidy invites his companion to go up to State-street to "see the scrape." How did it *happen* that these Cassidys were so wonderfully correct if not previously informed? When Gen. Van Rensselaer passed up to Lewis's, Cassidy said, "now the d—d rascal—(the watchword of their chieftain) will pay for it." At the moment of the conflict, it *happened* that Cooper, Bloodgood, the Cassidys, Tayler's tenant, and about 70 of his political friends, all appeared. This *may* indeed be accident; but much it savours of preconcert and of deep design. The battle soon commences; and while victory is suspended in equal balance, Cooper appears, not to rescue his wife from danger; she was of minor consequence, and committed to the protection of another. Not to defend Tayler from imminent danger—for his friends think he had the better of the battle, and stood in no need of assistance; but Cooper appears, crying "knock the d—d rascal down." He passed Van Rensselaer and took hold of him or his cane, probably the latter; for the small end of his cane being arrested behind would bring the large end forward against Tayler's breast, as described by the witnesses, and the force of the blow being spent, the cane might easily be arrested from Mr. Van Rensselaer's hand.

Cooper not only thus assisted to disarm Van Rensselaer, but, as one witness declares, struck him. And, when bleeding and defenceless, he lay prostrate upon the earth, he kicked him on the side; that side, in which great and continued pain long remained, without any other cause that has or can appear. This conduct, cruel and savage as it is, does not prevent his counsel from attempting to present him to you in the character of a peace-maker. A peace-maker! What, that man who, when the battle was raging, mingled in the conflict—who disarmed and presented my client as a defenceless victim to the bludgeon of his adversary—who, constantly cried havoc, and gave his full assistance to the production of the catastrophe—he a peace-maker! Gentlemen, if this be the conduct of peace-makers, let the blessing pronounced upon them be blotted from the holy record.

It is worthy of remark, that while Tayler was surrounded by about 70 of his personal and political friends, Van Rensselaer contended with a host alone. But, 'tis said "Schermerhorn was there." Yes, Schermerhorn, who, as one of the witnesses swears, commanded almost the elements; he that day was there. This giant, this Hercules, this Orlando Furioso, was there. But that he raised his hand against any one, until Van Rensselaer was nearly murdered by the joint attacks of Tayler, Bloodgood, and Cooper, is not pretended by any mortal.

These, gentlemen, are the facts applicable to the cases of Tayler and Cooper. That they participated in the outrage, that they gave their full assistance to the destruction of my client, is beyond a doubt. That by their instrumentality, the mob was collected and the catastrophe produced, is also clear. It remains with you to say what punishment their conduct merits.

Passing over the causes of Tayler and Cooper, aggravating, and disgusting as they are, I approach one of a very different complexion; one which neither friend or foe can examine without extreme pain. Such a case I have never witnessed—of such an one I have never read—and for the honor of human nature, I trust such a case will never again appear for judicial in-

vestigation. I am not the enemy of Mr. Bloodgood; but I have, gentlemen, a sacred duty to perform; and if in the discharge of that duty, I lay him naked before himself—if I paint his conduct loathsome and shocking to humanity—he and his friends will be pleased to remember, that he furnished the detestable original. He has permitted this cause to come to this situation, where the silence of counsel would be treason to the client. In examining this cause I must, and I will, as far as in me lies, discharge the duty I owe to a worthy client and a suffering friend.

Permit me, first, to examine the apology or defence set up for this man's conduct. It is comprised in this: "He was in a phrenzy of passion; and thought his friend, Judge Tayler, in imminent danger. Judge Tayler, who had grown grey in the study of the pugilistic art; whose dexterity and experience in the use of the cane, could not be unknown to those who were bound to him by a "triple cord;" Judge Tayler, whose herculean stature speaks his prowess; who, with the assistance of his hopeful son-in-law, had disarmed his adversary, and who, surrounded by seventy dependents armed with bludgeons, was in contest with a single man; this same Judge Tayler, thus situated, was in such imminent danger, as to justify Bloodgood in the murder of his adversary!

That Mr. Bloodgood was frantic with rage, is certainly undeniable. But why was he so? Had General Van Rensselaer ever from his infancy, performed one act, or uttered one syllable that could justly kindle all his malignant passions into a conflagration so uncontrollable? Had he injured Bloodgood? On the contrary, was not this man one of that very meeting which originated the vile slander against the General? Had he been in any way attacked for his participation in this outrage? Not at all. What then is the force of this paltry attempt in his justification? Without the slightest provocation, he tramples on justice, discharges his reason and his judgment, gives himself up to the control of his malice and his passion, and then pleads that very passion in excuse for the consequences of its violence. Now, gentlemen, examine the conduct of this man. While the contest continued between the General and Tayler, and none of the spectators thought proper to interfere, Bloodgood, whether from Robison's corner, or from the site of the old church, or from Tayler's house, is wholly immaterial, rushes into the street, crying, "kill the damned rascal;" an expression used as a watchword by every member of the party, from Tayler to Cassidy. He then rushed behind Van Rensselaer, and with the butt of his bludgeon (the smaller end being grasped by both his hands) he aimed a blow which brought his victim to the ground. Gentlemen, what language can be found to express the deep infamy of this act? While engaged with Tayler in front, Bloodgood, like a man abandoned by every feeling of honor, of courage, and even of manhood, strikes a blow from behind with a violence which nothing could withstand. Attacked in this assassin-like manner, Van Rensselaer falls. At this, Tayler gave way, and, as though indignant at the infamous conduct of his coadjutor, left the ground. And even Cooper, having kicked his victim while wallowing in his gore, also retired and left the scene clear to the humane assassin who had brought him to the ground. Partially recovering from the effects of the blow, Van Rensselaer attempts to rise. But before he can recover, another blow from Bloodgood again brings him nearly to the ground. At this moment the crowd rush forward. Pale, bleeding,

feeble, Van Rensselaer now totters from the fatal spot. Still frantic with rage, Bloodgood, as though nothing but the expiring groans of his defenceless victim could satisfy his mighty malice, still rushes upon him. Yes, gentlemen, a defenceless victim he truly was. His wandering eyes, his death-like visage, spoke his disordered senses. Instinct taught him to strive for the preservation of his life; and, therefore, he raised his feeble guard against, he knew not what or whom. Bloodgood, still unsatisfied, still thirsting for blood, unmoved by this spectacle of weakness and wounds, beats down his guard, and continues the savage attack. Blow succeeds blow, and wound succeeds wound, until the indignant spirit of the soldier, tempered with the faith of an expiring christian, exclaims in agony, "Oh my Jesus!" At this moment, as if forsaken by his God—as if given up to the perpetration of a crime at which his soul must still shudder; at this moment, when his mutilated victim could find protection from no human arm, and when, seemingly in vain, he cried to the God of mercy, this frantic man again drew his fell weapon in both his hands, raised himself as if to superadd the weight of his body to the strength of his arm, and seemed to aim the final blow at his feeble, bloody, and almost expiring adversary. Instantly Mr. James, as a rescuing angel, rushed forward and arrested the arm of this infuriated, this forsaken man. To him alone is it owing that this trial is permitted to be had. But for his instantaneous presence the fatal blow would have fallen; a blow which would have widowed two families and left their children orphans; a blow, which must have sent to its long account the soul of a patriot and a soldier, and have drawn down the vengeance of justice and of heaven upon its bloody author. Let that unhappy man join in devoutly thanking the great disposer of events, that this was not permitted.

This, gentlemen, is a correct portrait of this bloody scene. That it is a picture compounded of the blackest shades, without one tint of brightness; that it exhibits a creature of earth in all the naked deformity of corrupted human nature; that it displays all the vile passions and qualities which can reduce "social man to a civilized savage," is, unhappily, wholly undeniable. And upon a full view of this infernal transaction, it is now your duty to mete out to General Van Rensselaer, the damages which his sufferings and his present ruined situation require at your hands. From whom are these damages to be taken? From men, wallowing in wealth; basking in the sunshine of political favor; monopolizing all the emoluments of the treasury, and enjoying the most lucrative offices in the state. As to one of them, it is, beyond all doubt, the first in point of emolument, of any in this state. No small sum will affect the purses of these gentlemen. No small sum will reach their feelings. Award against them but a few thousand dollars, and they will, laughingly, assign a portion of their income, for a few months, to pay the award.

And, to whom are these damages to be given? To a soldier, who, in the field of battle, has proved his patriotism and his bravery, and has, emphatically, learned that mutual dependence is the strong cord which binds ingenuous souls together; that the only proper use of wealth is to render ourselves and friends happy. To a soldier, who is a brother to the whole human race; whose heart pants to find the object of charity, and whose hand has never withheld from a friend in want—even the price of his blood and his wounds. To a soldier, in whom, even while a youth, his country reposed

the most unbounded confidence, and towards whom the veterans of our land cast a partial eye, and destined him for high military glory. To a soldier, who, by this cruel, this dastardly, this barbarous outrage, is compelled to drag out a life of pain and wretchedness. Should he be permitted to retain his present office, while there are few or no active duties to be discharged; yet his activity is gone, and the pride of his office and fame is vanished forever. But should war, with which we are so loudly threatened, actually visit us, conscious of the want of health to discharge the arduous duties of his office, he must abandon his profession, and cast himself and his family upon the "tender mercies" of a republic.

What portion of pain has he now already endured. What agony has been thrown upon his family. Behold him returned to the arms of a disconsolate wife, covered with wounds, and in a situation but a little above death. Scarce one ray of hope is afforded by the physicians. Behold his wretched days and sleepless nights. Of his senses occasionally bereft, and tottering to his grave in pain and misery. Gentlemen, observe him well, and say, what ought those monsters who have produced this ruin, to suffer for their savage conduct. With what sum can they, who are the guilty cause of all these sufferings, satisfy justice and remunerate the sufferer. This is the past. What are his future prospects? Forever blasted by this fatal blow; disqualified to pursue the culture of his farm, the occupation in which he delights, and chained to that narrow round, which his feeble limbs are able to bear him; torn from the fond embrace of his country which had lavished upon him her esteem, only, in proportion to the pledges he had given of future greatness; and finally barred from the possibility of rising to that bright eminence which was the darling object of his youth, the delight of his riper years.

Gentlemen, view him well, and then tell me, shall not the ruffians who have destroyed him forever, repair, to the full extent of their ability, the ruin they have caused? Shall they not, with their fortunes, assist to mitigate his pains, and smooth his passage to the tomb?



*Awards in the several causes—with costs to be taxed against the defendants in each cause.*

Jenkins <i>vs.</i> Van Rensselaer,.....	\$2,500
Van Rensselaer <i>vs.</i> Tayler,.....	300
The same <i>vs.</i> Cooper, .....	500
The same <i>vs.</i> Bloodgood,.....	3,700



## Extract from a Speech of Elisha Williams.

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The following extract is from the speech of the late Elisha Williams, addressed to the jury upon the trial of Charles Taloe, for the murder of young Crandall of Kinderhook academy. The court interrupted Mr. Williams several times during the course of his remarks. At the close of them, the court peremptorily stated, that he must desist in casting dishonorable and uncalled for reflections. Mr. Williams, with perfect self-possession, and consummate address, turned his attention to the court, and, in an undertone of great force, said:—"Heaven forbid that I should detract from the dignity of the court. I am willing to give it all the credit which is due."

GENTLEMEN OF THE JURY!—In all human probability this is the last time that I shall ever address a jury of my beloved county of Columbia. I have had the honor of entering this hall of justice for about forty years; but prejudice and corruption never entered it before. Prejudice is an innocent passion, so long as its possessor is unconscious of its existence; but when he becomes conscious of the existence of prejudice, it becomes *corruption*. Every thing, gentlemen, that I have attempted to introduce, in the shape of testimony, has been clipped by the long scissors of the law.

You have arraigned at your bar, a young man of highly respectable parentage, and interesting to all the circumstances connected with this important transaction, just bursting from the bud of infancy, and opening in the blossom of youth. I have not been accustomed to address a jury of my beloved county of Columbia, with trembling or fear, or under circumstances calculated to deter me from the discharge of my duty. Now, as on former occasions, I see in that jury box, men whom I have long known, and whom I honor and respect.

But, gentlemen, I know you to be but men, subject to the like passions, prejudices and frailties of our nature. I tremble from another cause. I have been accustomed to address the minds of a jury, unwarped by prejudice, unruffled by passion, and undisturbed by feeling. I know the load of prejudice which has weighed down my client's hopes. Nothing has been left undone, which could be done, to operate against him. *The most loathsome slanders have been circulated in the public prints, and even the altars of our God have been defiled by this vile spirit of persecution.*

The learned counsel from New-York has compared me to a lion, that *ferocious* animal of the forest; but, gentlemen, I rather resemble the eagle, soaring aloft in his pride of place, and pouncing, if you please, upon a dove, and scattering his feathers to the four winds of heaven. But let me tell you, gentlemen, if eagles pounce upon no better vermin than the witness upon whose testimony the opposite counsel relies, nobody will be injured by it.

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